HD
7816.U7
I2
1952

STATE OF ILLINOIS
DWIGHT H. GREEN, Governor

Illinois Workmen's Occupational Diseases Act

(As amended and in force July 1, 1945)

INDUSTRIAL COMMISSION OF ILLINOIS
ALFRED J. BORAH, Chairman

(Printed by authority of the State of Illinois)

HD 7816.U7 I2 1952

01910800R

NLM 05012743 2

NATIONAL LIBRARY OF MEDICINE

THE ARMY MEDICAL LIBRARY, Washington, D.C.

Illinois. Laws, statutes, etc.

WORKMEN'S OCCUPATIONAL DISEASES ACT

OF THE

STATE OF ILLINOIS

(As amended and in force July 1, 1945)

DEPARTMENT OF LABOR
Robert L. Gordon, *Director*

INDUSTRIAL COMMISSION
Alfred J. Borah, *Chairman*
William John Granata
William E. King
John Moulin
Elmer Schofield

George R. Murphy
Secretary
William E. Kaiser
Security Supervisor

HD
7816.47
I2
1952
c.1

(4462)

14

TABLE OF CONTENTS

		Page
Title		5
Sec. 2.	Liability of Employer	5
Sec. 3.	Right of Action of Employee	5
Sec. 4.	Employer—Election to Pay Compensation	6
Sec. 5.	Definition	7
Sec. 6.	Occupational Disease Defined	8
Sec. 7.	Amount of Compensation for Disablement Resulting in Death	9
Sec. 8.	Amount of Compensation for Non-Fatal Disablement	14
Sec. 9.	Payment of Compensation	22
Sec. 10.	Basis for Computing Compensation	22
Sec. 11.	Application for Adjustment of Claim — Autopsy in Fatal Cases—As Evidence	23
Sec. 12.	Employee to Submit to Examination	24
Sec. 13.	Compensation Not Liable For	25
Sec. 14.	Compensation to Commission, Arbitrators, Other Employees—Duties of Secretary, Assistant Secretary, and Security Supervisor—Certified Copies	25
Sec. 15.	Jurisdiction of Commission—Duties	26
Sec. 16.	Rules and Orders—Procedure—Powers	26
Sec. 17.	Blank Forms—Books and Records	27
Sec. 18.	Questions Determined by Commission	28
Sec. 19.	Disputed Questions—Procedure—Committee of Arbitration—Decision—Petition for Review—Physician—Decision of Commission—Review by Circuit Court—Circuit Court to Render Judgment—Review after Award—Address to be Filed—Notice—Writ of Error to Supreme Court	28
Sec. 20.	Industrial Commission to Report to Governor	35
Sec. 21.	Compensation Not Assignable, Subject to Lien, Attachment or Garnishment—Death	35

TABLE OF CONTENTS—Continued

Page

Sec. 22. Fraudulent Contract or Agreement 36

Sec. 23. Waiver of Provisions Must Be Approved by Commission 36

Sec. 24. Notice of Accident; Limit of Time for Filing Claim 36

Sec. 25. Length of Time Employee Exposed—Employer Liable 37

Sec. 26. Provisions to Be Made by Employer Electing to Pay Compensation—Approval of Industrial Commission—When Provision Not Made or Not Approved—Insurance Liability—Failure to Comply 37

Sec. 27. Associations and Departments Not Affected 39

Sec. 28. When Insurance Carrier Becomes Primarily Liable 40

Sec. 29. Where Disablement or Death Caused Under Circumstances Creating Legal Liability in Some Person Other Than the Employer 40

Sec. 30. Report to Commission by Employer 41

Sec. 31. Posting of Notices 42

Sec. 32. Penalties 42

Sec. 33. Act Repealed 42

Sec. 34. Validity of Act 42

Sec. 35. Effective Date 42

AN ACT *to promote the general welfare of the people of this State by providing remedies for injuries suffered or death resulting from occupational diseases incurred in the course of employment; providing for enforcement and administration thereof, and to repeal an Act and a part of a certain Act herein named.*

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

SECTION 1. This Act shall be known and may be cited as the "Workmen's Occupational Diseases Act."

SECTION 2. There shall be no liability of any employer for compensation or damages for or on account of any injury to health, disease, or death therefrom, other than for the compensation herein provided or for damages as provided in section 3 of this Act; *provided,* that this section shall not affect any right to compensation under the "Workmen's Compensation Act."

SECTION 3. Where an employee in this State sustains injury to health or death by reason of a disease contracted or sustained in the course of the employment and proximately caused by the negligence of the employer, unless such employer shall have elected to provide and pay compensation as provided in section 4 of this Act, a right of action shall accrue to the employee whose health has been so injured for any damages sustained thereby; and in case of death, a right of action shall accrue to the widow of such deceased person, his lineal heirs or adopted children, or to any person or persons who were, before such loss of life, dependent for support upon such deceased person, for a like recovery of damages for the injury sustained by reason of such death not to exceed the sum of ten thousand dollars ($10,000.00); *provided,* that violation by any employer of any effective rule or rules made by the industrial commission pursuant to the Health and Safety Act, enacted by the Fifty-ninth General Assembly at the third special session, or violation by the employer of any statute of this State, intended for the protection of the health of employees, shall be and constitute negligence of the employer within the meaning of this section; *provided, further,* that every such action for damage for injury to the health shall be commenced within three (3) years after the last day of the last exposure to the hazards of the disease and that every such action for damages in case of death shall be commenced within one (1) year after the death of such employee and within five (5) years after the last day of the last exposure to the hazards of the disease: *Provided further,* that in any action to recover damages under this section, it shall not be a defense that the employe

either expressly or impliedly assumed the risk of the employment, or that the contraction or sustaining of the disease or death was caused in whole or in part by the negligence of a fellow servant or fellow servants, or that the contraction or sustaining of the disease or death resulting was caused in whole or in part by the contributory negligence of the employee, where such contributory negligence was not wilful.

SECTION 4. (a) Any employer in this State may elect to provide and pay compensation according to the provisions of this Act, for disability or death resulting from occupational diseases, and such election, when effective, shall apply to all cases in which the last day of the last exposure as defined in this Act to the hazards of the occupational disease claimed upon shall have occurred on or after the effective date of such election, and shall relieve such employer of all liability under section 3 of this Act and all other liability with respect to injury to health or death therefrom by reason of any disease contracted or sustained in the course of the employment.

(b) Election by any employer, pursuant to paragraph (a) of this section, shall be made by filing notice of such election with the industrial commission. Such employer shall either furnish to his employees personally or post in a conspicuous place in the place of employment, a copy of such notice of his election.

(c) Every employer who has elected pursuant to paragraphs (a) and (b) of this section to provide and pay compensation shall, from and after the effective date of such election be, remain and operate under all provisions of this Act except section 3 hereof, with respect to all his employees except those who have rejected in due time as provided in paragraph (d); *provided, however,* that on October 1, 1937, and on each October first for four years thereafter, any employer who shall have elected pursuant to paragraphs (a) and (b) of this section to provide and pay compensation under this Act, may elect not to provide and pay compensation under this Act by filing notice of such election not to provide and pay compensation under this Act with the industrial commission at least sixty days prior to the October first upon which such election is to be effective and by either giving to his employees personally or posting in a conspicuous place in the place of employment a copy of such notice of such election not to provide and pay compensation at least sixty days prior to such October first; and such election not to provide and pay compensation shall apply to all cases in which the last day of the last exposure, as defined in this Act, to the hazards of the disease claimed upon shall have occurred on or after the October first on which such election shall have become effective; *provided further* that any employer having elected, pursuant to this paragraph not to provide and pay compensation may at any time thereafter again elect pursuant to paragraphs (a) and (b) to provide and pay compensation, but having thus elected for the second time to provide and pay compensation such employer shall, from and after the effective date of such last said election, be, remain and operate under all provisions of this Act, except

section 3 hereof, with respect to all employees except those who have rejected in due time as provided in paragraph (d) of this section, and such employer may not again withdraw.

(d) If any employer elects, pursuant to paragraphs (a) and (b) of this section, then every employee of such employer, who may be employed at the time of such election by such employer, shall be deemed to have accepted all the compensation provisions of this Act and shall be bound thereby unless within thirty (30) days after such election he shall file a notice to the contrary with the industrial commission, whose duty it shall be immediately to notify the employer, and until such notice is given to the employer, the measure of liability of such employer shall be determined according to the compensation provisions of this Act; and every employee of such employer, hired after such employer's election, as a part of his contract of hiring shall be deemed to have accepted all of the compensation provisions of this Act, and shall have no right of rejection.

(e) The compensation herein provided for shall be the full, complete and only measure of the liability of the employer bound by election under this Act and such employer's liability for compensation and medical benefits under this Act shall be exclusive and in place of any and all other civil liability whatsoever, at common law or otherwise, to any employee or his legal representative on account of damage, disability or death caused or contributed to by any disease contracted or sustained in the course of the employment.

SECTION 5. For the purposes of this Act:

The term "employer" as used in this Act shall be construed to be:

First—The State and each county, city, town, township, incorporated village, school district, body politic, or municipal corporation therein.

Second—Every person, firm, public or private corporation, including hospitals, public service, eleemosynary, religious or charitable corporations or associations who has any person in service or under any contract for hire, express or implied, oral or written; *provided,* nothing contained herein shall be construed to apply to any work, employment or operations done, had or conducted by farmers and others engaged in farming, tillage of the soil, or stock raising, or to those who rent, demise or lease land for any such purposes, or to any one in their employ or to any work done on a farm or country place, no matter what kind of work or service is being done or rendered.

The term "employee" as used in this Act, shall be construed to mean:

First—Every person in the service of the State, county, city, town, township, incorporated village or school district, body politic or municipal corporation therein, under appointment or contract of hire, express or implied, oral or written, except any totally blind person, any official of the State, or of any county, city, town, township, incorporated village, school district, body politic or municipal corporation therein and except any duly appointed member of the fire

department in any city whose population exceeds five hundred thousand according to the last Federal or State census, and except any member of a fire insurance patrol maintained by a board of underwriters in this State. *However,* any employee, his personal representative, widow, children, beneficiaries or heirs, who is, are or shall be entitled to receive a pension or benefit for or on account of disability or death arising out of or in the course of his employment from a pension or benefit fund to which the State or any county, town, township, incorporated village, school district, body politic, underwriters' fire patrol or municipal corporation therein is a contributor, in whole or in part, shall be entitled to receive only such part of such pension or benefit as is in excess of the amount of compensation recovered and received by such employee, his personal representative, widow, children, beneficiaries or heirs under this Act. *And, provided further,* that one employed by a contractor who has contracted with the State, or a county, city, town, township, incorporated village, school district, body politic or municipal corporation therein, through its representatives, shall not be considered as an employee of the State. county, city, town, township, incorporated village, school district, body politic or municipal corporation which made the contract.

Second—Every person in the service of another under any contract of hire, express or implied, oral or written, including aliens, and minors who, for the purpose of this Act, except section 3 hereof, shall be considered the same and have the same power to contract, receive payments and give quittances therefor, as adult employees, but not including any totally blind person or any person who is not engaged in the usual course of the trade, business, profession or occupation of his employer.

"Disablement" means the event of becoming disabled from earning full wages at the work in which the employee was engaged when last exposed to the hazards of the occupational disease by the employer from whom he claims compensation, or equal wages in other suitable employment; and "disability" means the state of being so incapacitated.

No compensation shall be payable for or on account of any occupational disease unless disablement, as herein defined, occurs within one (1) year after the last day of the last exposure to the hazards of the disease, except in cases of occupational disease caused by the inhalation of silica dust or asbestos dust and, in such cases, within three (3) years after the last day of the last exposure to the hazards of such disease.

SECTION 6. In this Act the term "Occupational Disease" means a disease arising out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the said diseases follows as an incident of an occupational disease as defined in this section.

A disease shall be deemed to arise out of the employment, only if there is apparent to the rational mind upon consideration of all the

circumstances, a direct casual connection between the conditions under which the work is performed and the occupational disease, and which can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment and which can be fairly traced to the employment as the proximate cause, and which does not come from a hazard to which workmen would have been equally exposed outside of the employment. The disease must be incidental to the character of the business and not independent of the relation of employer and employee. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

SECTION 7. The amount of compensation which shall be paid for an occupational disease sustained by the employee resulting in death shall be:

(a) If the employee leaves any widow, child or children whom he was under legal obligations to support at the time of his disablement, a sum equal to four times the average annual earnings of the employee, but not less in any event than two thousand five hundred dollars and not more in any event than four thousand dollars. *Provided,* that when an award has been made under this paragraph, where the deceased left at the time of his death a widow and one child under sixteen years of age him surviving, the compensation payments and death benefits to the extent the same were increased because of the existence of said child, insofar as same have not been paid, shall cease and become extinguished when said child arrives at the age of eighteen years, if said child is physically and mentally competent at that time.

Any right to receive compensation hereunder shall be extinguished by the remarriage of a widow, if the deceased did not leave him surviving any child or children whom he was under legal obligations to support at the time of said disablement.

Any compensation payments other than necessary medical, surgical or hospital fees or services shall be deducted in ascertaining the amount payable on death.

(b) If no amount is payable under paragraph (a) of this section and the employee leaves any parent, husband, child or children who at the time of disablement were totally dependent upon the earnings of the employee, then a sum equal to four times the average annual earnings of the employee, but not less in any event than two thousand five hundred dollars, and not more in any event than four thousand dollars. Any compensation payments other than necessary medical, surgical or hospital fees or services shall be deducted in ascertaining the amount payable on death.

(c) If no amount is payable under paragraph (a) or (b) of this section and the employee leaves any parent or parents, child or children, who at the time of disablement were partially dependent upon the earnings of the employee, then such proportion of a sum

equal to four times the average annual earnings of the employee as such dependency bears to total dependency, but not less in any event than one thousand dollars and not more in any event than three thousand seven hundred fifty dollars. Any compensation payments other than necessary medical, surgical or hospital fees or services shall be deducted in ascertaining the amounts payable on death.

(d) If no amount is payable under paragraphs (a), (b) or (c) of this section and the employee leaves any grandparent, grandchild or grandchildren or collateral heirs dependent at the time of the disablement to the employee upon his earnings to the extent of fifty per-centum or more of total dependency, then such proportion of a sum equal to four times the average annual earnings of the employee as such dependency bears to total dependency, but not more in any event than three thousand seven hundred fifty dollars. Any compensation payments other than necessary medical, surgical or hospital fees or services shall be deducted in ascertaining the amounts payable on death.

(e) If no amount is payable under paragraphs (a), (b), (c) or (d) of this section, a sum not to exceed one hundred and fifty dollars for burial expenses to be paid by the employer to the undertaker or to the person or persons incurring the expense of burial, and the further sum of *four* hundred dollars, which shall be paid within sixty days into a special fund, of which the state treasurer shall be ex-officio custodian, such special fund to be held and disbursed for the purpose hereinafter stated in paragraph (f) of Section 8, either upon the order of the industrial commission or of a competent court. Said special fund shall be deposited the same as are state funds and any interest accruing thereon shall be added thereto every six months. It shall be subject to audit the same as state funds and accounts and shall be protected by the general bond given by the state treasurer. It shall be considered always appropriated for the purpose of disbursements as provided in Section 8, paragraph (f), of this Act, and shall be paid out and disbursed as therein provided and shall not at any time be appropriated or diverted to any other use or purpose; provided, that whenever any sum is paid into the said fund and subsequently it develops that compensation is payable under paragraphs (a), (b), (c) or (d) of this section, the industrial commission shall order the refund of any sum paid into the said fund, and the state treasurer as custodian of said fund shall immediately refund the sum paid to him in accordance with the order of the industrial commission upon receipt by him of a certified copy of said order. *The State Treasurer, or his duly authorized representative, shall be named as a party to all proceedings and receive the usual and customary notices of hearing in all cases involving claim for the loss of, or the permanent and complete loss of the use of one eye, one foot, one leg, one arm or one hand. In case of settlement contract or award involving the loss of or the permanent and complete loss of the use of any one of the said members, it shall be the duty of the Industrial Commission, or a Commissioner or Arbitrator thereof, to award to the said Special Fund provided for in paragraph (e) of this section, the sum payable under subparagraph*

(20) of paragraph (e) of Section 8 to be paid by the employer or the insurance carrier if such employer is insured.

The industrial commission shall, within ten days after the rendition of any award providing for payments into said special fund provided for in paragraph (e) of this section, mail a certified copy thereof to the state treasurer. If said award be not paid within thirty days after the date said award has become final, the state treasurer shall proceed to take judgment thereon in his own name as ex-officio custodian of said fund as is provided for other awards by this Act and take the necessary steps to collect said award. The industrial commission shall immediately, upon learning of any death because of which payments into said fund may become due under paragraph (e) of this section, notify the state treasurer thereof and the state treasurer, if payments be not made into said fund within sixty days following said death on account of which it may be due, shall within sixty days after the receipt of said notice institute proceedings in his own name before the industrial commission for the collection thereof, and in said proceedings the industrial commission may order the burial fund provided for in this Act paid to the person, corporation or organization who has paid or become liable for the payment of same. In all such proceedings so instituted by the state treasurer it shall not be a defense that notice of the disablement was not given the employer as provided in this Act or that the demand for payment was not made within six months or that written claim for compensation was not filed with the industrial commission within one year. Any person, corporation or organization who has paid or become liable for the payment of burial expenses of said deceased employee may in his or its own name institute proceedings before the industrial commission for the collection thereof.

In all cases involving disputed dependency claims it shall be the duty of the person filing such claim for or on behalf of the alleged dependents or for the funeral bill to name the State Treasurer as ex-officio custodian of the Fund, provided for in Section 7, paragraph (e), as a party to the said application for adjustment of claim. The said State Treasurer, or his duly authorized representative, shall have all rights of participation in the hearing and review of decisions as is provided under the provisions of this Act. For the purpose of administration, receipts and disbursements, the Special Fund provided for in paragraph (e) of this section shall be administered jointly with the Special Fund provided for in Section 7, paragraph (e) of the Workmen's Compensation Act. Provided, further, that at no time shall there be paid into said special fund on account of any one death a sum to exceed four hundred dollars.

(f) All compensation, except for burial expenses provided in this section to be paid in case occupational disease results in death, shall be paid in installments equal to the percentage of the average earnings as provided for in section 8 of this Act, at the same intervals at which the wages or earnings of the employees were paid; or if this shall not be feasible, then installments shall be paid weekly: *Pro-*

vided, such compensation may be paid in a lump sum upon petition as provided in section 9 of this Act.

(g) The compensation to be paid for occupational disease which results in death, as provided in this section, shall be paid to the persons who form the basis for determining the amount of compensation to be paid by the employer, the respective shares to be in the proportion of their respective dependency at the time of the disablement on the earnings of the deceased: *Provided,* that the industrial commission or an arbitrator thereof may, in its or his discretion, order or award the payment to the parent or grandparent of a child for the latter's support the amount of compensation which but for such order or award would have been paid to such child as its share of the compensation payable, which order or award may be modified from time to time by the commission in its discretion with respect to the person to whom shall be paid the amount of said order or award remaining unpaid at the time of said modification.

The payments of compensation by the employer in accordance with the order or award of the industrial commission shall discharge such employer from all further obligation as to such compensation.

In a case where any of the persons who would be entitled to compensation is living at any place outside of the United States, then payment shall be made to the personal representative of the deceased employee. The distribution by such personal representative to the persons entitled shall be made to such persons and in such manner as the commission shall order.

(h) 1. Whenever in paragraph (a) of this section a minimum of two thousand five hundred dollars is provided, such minimum shall be increased in the following cases to the following amounts:

Three thousand dollars in case of one child under the age of 16 years at the time of the death of employee.

Three thousand one hundred dollars in case of two children under the age of 16 years at the time of the death of employee.

Three thousand two hundred dollars in case of three or more children under the age of 16 years at the time of the death of the employee.

2. Whenever four times the average annual earnings of the deceased employee as provided in paragraph (a) of this section amounts to more than two thousand five hundred dollars and to less than four thousand dollars, the amount so payable under said paragraph shall be increased as follows:

In case such employee left surviving him one child under the age of sixteen years the amount so payable shall be increased three hundred fifty dollars.

In case such employee left surviving him two children under the age of sixteen years the amount so payable shall be increased four hundred fifty dollars.

In case such employee left surviving him three or more children under the age of sixteen years the amount so payable shall be increased six hundred dollars.

3. Whenever in paragraph (a) of this section a maximum of four thousand dollars is provided, such maximum shall be increased in the follwoing cases to the following amounts:

Four thousand four hundred fifty dollars in case of one child under the age of sixteen years at the time of the death of the employee.

Four thousand eight hundred dollars in case of two children under the age of sixteen years at the time of the death of the employee.

Five thousand five hundred dollars in case of three or more children under the age of sixteen years at the time of the death of the employee.

4. Whenever four times the average annual earnings of the deceased employee as provided in paragraph (a) of this section amounts to four thousand dollars and not more than four thousand four hundred dollars and the deceased employee left surviving him one child under the age of sixteen years the amount payable shall be four thousand four hundred dollars.

Whenever four times the average annual earnings of the deceased employee as provided in paragraph (a) of this section amounts to four thousand dollars and not more than four thousand seven hundred dollars and the deceased employee left surviving him two children under the age of sixteen years the amount payable shall be four thousand seven hundred dollars.

Whenever four times the average annual earnings of the deceased employee as provided in paragraph (a) of this section amounts to four thousand dollars and not more than five thousand dollars and the deceased employee left surviving him three or more children under the age of sixteen years the amount payable shall be five thousand dollars.

(i) In case the employee is under sixteen years of age at the time of the last day of the last exposure and is then illegally employed, the amount of compensation payable under paragraphs (a), (b), (c), (d) and (e) of this section shall be increased fifty per centum. *Provided, however,* that nothing herein contained shall be construed to repeal or amend the provisions of an Act concerning child labor, approved June 26, 1917, as subsequently amended relating to the employment of minors under the age of sixteen years.

(j) Whenever the dependents of a deceased employee are aliens not residing in the United States or Canada, the amount of compensation payable shall be limited to the beneficiaries described in paragraphs (a), (b) and (c) of this section and shall be fifty per centum of the compensation provided in paragraphs(a), (b) and (c) of this section except as otherwise provided by treaty.

(k) Where death results from an occupational disease which is sustained by an employee on or after July 1, 1941, *and before July 1, 1943,* compensation as provided in *paragraphs* (a), (b), (c), (d) and (h) of this section shall be computed according to the provisions of this section exclusive of this paragraph *and paragraph (l)* and after so computed shall be increased ten percentum. Such increase shall be accomplished by increasing the aggregate amount only; provided, however, that in no case shall this paragraph operate to provide

an aggregate increase of more than ten per centum of the aggregate compensation which but for this paragraph would be payable.

Where death occurs to an employee as the result of an occupational disease sustained by such employee on or after July 1, 1945, as provided in paragraphs (a), (b), (c), (d) and (h) of this Section shall be computed according to the provisions of this Section exclusive of this paragraph, and after so computed shall be increased twenty per centum (20%). Such increase shall be accomplished by increasing the aggregate amount only; provided, however, that in no case shall this paragraph operate to provide an aggregate increase of more than twenty per centum (20%) of the aggregate compensation which but for this paragraph will be payable.

No amendment to this paragraph or any part thereof shall in any way affect any right of action thereunder existing at the time such amendment takes effect.

(l) Where death occurs to an employee as a result of an occupational disease sustained by such employee on or after July 1, 1943, compensation as provided in paragraphs (a), (b), (c), (d) and (h) of this section shall be computed according to the provisions of this section exclusive of paragraph (k) and this paragraph and after so computed shall be increased seventeen and one-half per centum. Such increase shall be accomplished by increasing the aggregate amount only; provided, however, that in no case shall this paragraph operate to provide an aggregate increase of more than seventeen and one-half percentum of the aggregate compensation which but for this paragraph would be payable.

SECTION 8. The amount of compensation which shall be paid to the employee for disability from an occupational disease not resulting in death shall be:

(a) In cases of silicosis, or silicosis complicated with tuberculosis, or asbestosis, or asbestosis complicated with tuberculosis, the employer shall provide the necessary first aid, medical and surgical services, and all necessary medical, surgical and hospital services thereafter, limited, however, to that which is reasonably required to cure or relieve from the effects of said diseases for a period not exceeding six months from date of disablement.

In all other cases, the employer shall provide the necessary first aid, medical and surgical services, and all necessary medical, surgical and hospital services thereafter, limited, however, to that which is reasonably required to effect a cure from the effects of the disease. The employee may in any case elect to secure his own physician, surgeon and hospital services at his own expense. Any occupational disease resulting in the amputation of an arm, hand, leg or foot, or the enucleation of any eye, the employer shall furnish an artificial of any such member lost by occupational disease arising out of and in the course of the employment, and shall also furnish the necessary braces in all proper and necessary cases, *provided,* the furnishing by the employer of any such services or appliances shall not be construed to admit liability on the part of the employer to pay compensation, and

the furnishing of any such services or appliances by the employer shall not be construed as the payment of compensation.

(b) If the period of temporary total incapacity for work lasts more than six working days, compensation equal to fifty percentum of the earnings, but not less than $7.50 nor more than $15.00 per week, beginning on the eighth day of such temporary total incapacity and continuing as long as the temporary total incapacity lasts, but not after the amount of compensation paid equals the amount which would have been payable as a death benefit under paragraph (a), section 7, if the employee had died as a result of the occupational disease, leaving heirs surviving as provided in said paragraph (a), section 7: Provided, that in the case where the temporary total incapacity for work continues for a period of more than *twenty-eight* days from the day of the disablement, then compensation shall commence on the day after the disablement.

(c) For any serious and permanent disfigurement to the hand, head, face or neck, the employee shall be entitled to compensation for such disfigurement, the amount fixed by agreement or by arbitration in accordance with the provisions of this Act, which amount shall not exceed one-quarter of the amount of the compensation which would have been payable as a death benefit under paragraph (a), section 7, if the employee had died as a result of the occupational disease, leaving heirs surviving, as provided in said paragraph (a), section 7: *Provided,* that no compensation shall be payable under this paragraph where compensation is payable under paragraphs (d), (e) or (f) of this section: *And, provided further,* that when the disfigurement is to the hand, head, face or neck as a result of any occupational disease for which compensation is not payable under paragraphs (d), (e) or (f) of this section, compensation for such disfigurement may be had under this paragraph.

(d) If, after the disablement has been sustained, the employee as a result thereof becomes partially incapacitated from pursuing his usual and customary line of employment, he shall, except in the cases covered by the specific schedule set forth in paragraph (e) of this section, receive compensation, subject to the limitations as to time and maximum amounts fixed in paragraphs (b) and (h) of this section, equal to fifty per centum of the difference between the average amount which he earned before the last day of the last exposure and the average amount which he is earning or is able to earn in some suitable employment or business after the disablement.

Provided, however, if no compensation is awarded under the foregoing provisions of this paragraph, and when a disablement has been sustained which results in a fracture to the body of a vertebra, resulting in a loss of function of the back, compensation may be allowed for a period not to exceed thirty (30) weeks in addition to compensation for temporary total disability, such compensation to be in lieu of all other compensation specified hereinbefore by this paragraph.

(e) For disabilities on the following schedule, the employee shall receive compensation for the period of temporary total incapacity for work resulting from such occupational disease, in accordance with the

provisions of paragraphs (a) and (b) of this section, for a period not to exceed sixty-four weeks, and shall receive in addition thereto compensation for a further period subject to limitations as to amounts as in this section provided, for the specific loss herein mentioned, as follows, but shall not receive any compensation for such disabilities under any other provision of this Act.

1. For the loss of a thumb, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during seventy weeks.

2. For the loss of a first finger, commonly called the index finger, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during forty weeks.

3. For the loss of a second finger, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during thirty-five weeks.

4. For the loss of a third finger, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during twenty-five weeks.

5. For the loss of a fourth finger, commonly called the little finger, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during twenty weeks.

6. The loss of the first phalange of the thumb or of any finger, shall be considered to be equal to the loss of one-half of such thumb or finger and compensation shall be one-half of the amount above specified.

7. The loss of more than one phalange shall be considered as the loss of the entire finger or thumb; *provided, however,* that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

8. For the loss of a great toe, or for the permanent and complete loss of its use, fifty per centum of the average weekly wage during thirty-five weeks.

9. For the loss of each toe other than the great toe, or for the permanent and complete loss of its use, fifty per centum of the average weekly wage during twelve weeks.

10. The loss of the first phalange of any toe shall be considered to be the equal to the loss of one-half of such toe, and compensation shall be one-half of the amount above specified.

11. The loss of more than one phalange shall be considered as the loss of the entire toe.

12. For the loss of a hand, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during one hundred and seventy weeks.

13. For the loss of an arm, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during two hundred and twenty-five weeks.

14. For the loss of a foot or the permanent and complete loss of its use, fifty per centum of the average weekly wage during one hundred and thirty-five weeks.

15. For the loss of a leg, or the permanent and complete loss of its use, fifty per centum of the average weekly wage during one hundred and ninety weeks.

16. For the loss of the sight of an eye, or for the permanent and complete loss of its use, fifty per centum of the average weekly wage during one hundred and twenty weeks.

16½. For the total and permanent loss of the hearing of one ear, fifty per centum of the average weekly wage during fifty weeks and for the total and permanent loss of hearing of both ears, fifty per centum of the average weekly wage during one hundred twenty-five weeks.

16¾. For the loss of a testicle, fifty per centum of the average weekly wage during fifty weeks, and for the loss of both testicles, fifty per centum of the average weekly wage during one hundred fifty weeks.

17. For the permanent partial loss of use of a member or sight of an eye, but not including the hearing of an ear, fifty per centum of the average weekly wage during that proportion of the number of weeks in the foregoing schedule provided for the loss of such member or sight of an eye which the partial loss of use thereof bears to the total loss of use of such member or sight of eye.

17½. In computing the compensation to be paid to any employee who, before the disablement for which he claims compensation, had before that time sustained the loss by amputation or partial loss by amputation of any member, including hand, arm, thumb or fingers, leg, feet, or any toes, such loss or partial loss of any such member shall be deducted from any award made for the subsequent disablement, and for the permanent total loss of use or the permanent partial loss of use of any such member or the sight of an eye for which compensation has been paid then such loss shall be taken into consideration and deducted from any award for the subsequent disablement.

18. The specific case of loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two thereof, suffered by occupational disease, or the permanent and complete loss of use thereof, suffered by occupational disease, shall constitute total and permanent disability, to be compensated according to the compensation fixed by paragraph (f) of this section: *Provided,* that these specific cases of total and permanent disability shall not be construed as excluding other cases: *Provided further,* that any employee who has previously in any manner suffered the loss or permanent and complete loss of the use of any of said members, and in a subsequent independent disablement loses another or suffers the permanent and complete loss of the use of any one of said members, the employer for whom the disabled employee was working at the time of the last day of the last exposure shall be liable to pay compensation only for the loss or permanent and complete loss of the use of the member occasioned by said last independent disablement.

19. In a case of specific loss under the provisions of this paragraph and the amount of which loss has been determined under the provisions of this Act, and the subsequent death of such employee

from other causes than such occupational disease, leaving a widow and/or lineal dependents surviving before payment in full for such specific loss, than and in that event the balance remaining due for such specific loss shall be payable to such dependents, in the proportion which such dependency bears to total dependency.

20. *In every case of loss of, or permanent and complete loss of use of one eye, one foot, one leg, one arm or one hand, the employer in addition to the compensation as provided for in this section shall pay into the special fund provided for in Section 7, paragraph (e), the sum of two hundred twenty-five dollars, if the disablement occurs between July 1, 1939, and July 1, 1941, both dates inclusive; thereafter the amount payable into the said special fund shall be one hundred dollars for the loss of, or permanent and complete loss of use of any such member; provided, however, that the payments herein fixed at one hundred dollars may on and after the date when payments in such amount become effective, be suspended or reduced as herein provided, but in no event shall such payments be increased to exceed one hundred dollars.*

Beginning July first, 1941, and each July first thereafter, the Industrial Commission shall determine the expenditures to be made from the said special fund for the ensuing six months. If, upon such determination made by the Commission there shall be found to be in execss of fifty thousand dollars or more in the said special fund over and above the expenditures to be made therefrom during the ensuing six months, the Industrial Commission shall by order posted in its offices, suspend payments at the rate of one hundred dollars in this paragraph provided or reduce the amount payable to a sum less than said one hundred dollars, but sufficient to maintain such fifty thousand dollars excess, and such suspension or change in payments at the rate of one hundred dollars shall be effective with respect to disablements occurring on or after the date of such order.

(f) In case of complete disability, which renders the employee wholly and permanently incapable of work, compensation equal to fifty per centum of his earnings but not less than $7.50 nor more than $15.00 per week, commencing on the day after the disablement, and continuing until the amount paid equals the amount which would have been payable as a death benefit under paragraph (a), section 7, if the employee had died as a result of the occupational disease, leaving heirs surviving as provided in said paragraph (a), section 7, and thereafter a pension during life annually, in the specific case of total and permanent disability equal to 12 per centum, and in other cases of total and permanent disability equal to 8 per centum, of the amount which would have been payable as a death benefit under paragraph (a), section 7, if the employee had died as a result of the occupational disease, leaving heirs surviving, as provided in said paragraph (a), section 7. Such pension shall be paid monthly. *Provided,* any employee who receives an award under this paragraph and afterwards returns to work or is able to do so, and who earns or is able to earn as much as before the last day of the last exposure, payments under such award shall cease; if such employee returns to work, or is able to

do so, and earns or is able to earn part but not as much as before the last day of the last exposure, such award shall be modified so as to conform to an award under paragraph (d) of this section: *Provided, further,* that if such award is terminated or reduced under the provisions of this paragraph, such employee shall have the right at any time within one year after the date of such termination or reduction to file a petition with the commission for the purpose of determining whether any disability exists as a result of the occupational disease and the extent thereof: *Provided, further,* that disability as enumerated in subdivision 18, paragraph (e) of this section shall be considered complete disability. If an employee who had previously in any manner incurred loss or the permanent and complete loss of use of one member, through the loss or the permanent and complete loss of the use of one hand, one arm, one foot, one leg, or one eye, incurs permanent and complete disability through the loss or the permanent and complete loss of the use of another member, he shall receive, in addition to the compensation payable by the employer and after such payments have ceased, an amount from the special fund provided for in paragraph (e) of section 7, which, together with the compensation payable from the employer in whose employ he was on the last day of the last exposure, will equal the amount payable for permanent and complete disability as provided in this paragraph of this section.

The custodian of said special fund provided for in paragraph (e) of section 7 shall be joined with the employer as a party respondent in the application for adjustment of claim. Said application for adjustment of claim shall state briefly and in general terms the approximate time and place and manner of the loss of the first member. The industrial commission shall mail a copy of said application to the custodian of said special fund and shall mail to said custodian all notices of hearing that are mailed to the employer and employee.

In its award the commission or the arbitrator shall specifically find the amount the employee shall be weekly paid, the number of weeks' compensation which shall be paid by the employer, the date upon which payments shall begin out of the fund provided for in paragraph (e) section 7 of this Act, the length of time said weekly payments shall continue, the date upon which the pension payments shall commence and the monthly amount of said payments. A certified copy of said award and the judgment of any court of competent jurisdiction affirming same shall be, by the industrial commission, sent to the State treasurer by registered mail. It shall be the duty of the said state treasurer, thirty days after the date upon which payments out of said fund shall be commenced as provided in said award, and every month thereafter, to mail to the said employee direct, or at the option of said treasurer, to some bank in the county in which he resides for delivery to him, a check or draft payable out of said special fund, for all compensation accrued to that date at the rate fixed in said award. Said check or draft on the back thereof shall designate the style and docket number of the cause and the period of time for which it pays, and shall be accompanied by a duplicate receipt, on a form to be supplied by the industrial commission, which receipt shall

be executed in duplicate by the employee and returned to the treasurer, who shall retain one thereof and shall mail one to the said industrial commission. Said draft, check or receipts shall be a full and complete acquittance to the said State treasurer for the payment out of said fund, and no other appropriation or warrant except the certified copy of said award and judgment of said court shall be necesasry to warrant payment out of said fund. The said fund shall be always considered as appropriated for the purpose of making payments according to the terms of said awards.

(g) In case death occurs as a result of occupational disease before the total of the payments made equals the amount payable as a death benefit, then in case the employee leaves any widow, child or children, parents, grandparents, or other lineal heirs, entitled to compensation under section 7, the difference between the compensation for death and the sum of the payments made to the employee, shall be paid to the beneficiaries of the deceased employee, and distributed as provided in paragraph (f) of section 7, but in no case shall the amount payable under this paragraph be less than $500.00.

(h) In no event shall the compensation to be paid exceed fifty per centum of the average weekly wage, or exceed $15.00 per week in amount; nor, except in case of complete disability, as defined above, shall any payments extend over a period of more than eight years from the date of the disablement. In case an employee shall be mentally incompetent at the time when any right or privilege accrues to him under the provisions of this Act, a conservator or guardian may be appointed pursuant to law, and may, on behalf of such mental incompetent, claim and exercise any such right or privilege with the same force and effect as if the employee himself had been mentally competent and had claimed or exercised said right or privilege; and no limitations of time by this Act provided shall run so long as said mentally incompetent employee is without a conservator or guardian.

(i) 1. All compensation provided for in paragraphs (b), (c), (d), (e) and (f) of this section, other than in case of pension for life, shall be paid in installments at the same intervals at which the wages or earnings of the employee were paid at the time of the last exposure, or if this shall not be feasible, then the installments shall be paid weekly; all payments of compensation to be made not later than two weeks after the interval for which compensation is payable.

2. *Provided,* that any payments of compensation by the employer to an employee shall not be construed against the employer as admitting liability to pay compensation; and

3. *Provided, further,* that all compensation payments named and provided for in paragraphs (b), (c), (d), (e) and (f) of this section, shall mean and be defined to be for only such occupational diseases and disabilities therefrom as are proven by competent evidence, of which there are or have been objective conditions or symptoms proven, not within the physical or mental control of the employee himself.

(j) 1. Wherever in this section there is a provision for fifty per centum, such per centum shall be increased five per centum for

each child of the employee, including children who have been legally adopted, under 16 years of age at the time of the disablement to the employee until such per centum shall reach a maximum of sixty-five per centum.

2. Wherever in this section a weekly minimum of $7.50 is provided, such minimum shall be increased in the following cases to the following amounts:

$11.00 in case of an employee having one child under the age of 16 years at the time of the disablement of the employee;

$12.00 in case of an employee having two children under the age of 16 years at the time of the dsiablement of the employee;

$13.00 in case of an employee having three children under the age of 16 years at the time of the disablement of the employee;

$14.00 in case of an employee having four or more children under the age of 16 years at the time of the disablement of the employee.

3. Wherever in this section a weekly maximum of $15.00 is provided, such maximum shall be increased in the following cases to the following amounts:

$16.00 in case of an employee with two children under the age of 16 years at the time of the disablement of the employee.

$18.00 in case of an employee with three children under the age of 16 years at the time of the disablement of the employee.

$20.00 in case of an employee with four or more children under the age of 16 years at the time of the disablement of the employee.

(k) In case the employee is under sixteen years of age at the time of the last day of the last exposure and is illegally employed, the amount of compensation payable under paragraphs (b), (c), (d), (e) and (f) of this section shall be increased fifty per centum. *Provided, however,* that nothing herein contained shall be construed to repeal or amend the provisions of an Act concerning child labor, approved June 26, 1917, as subsequently amended relating to the employment of minors under the age of sixteen years.

(l) Where the disablement or disability occurs on or after July 1, 1939, *and before July 1, 1943,* compensation due the injured employee during his lifetime under this section shall be computed according to the provisions of this section exclusive of this paragraph *and paragraph (m),* and after so computed shall be increased ten per-centum. Such increase shall be accomplished by increasing each installment, and maximums otherwise applicable to the installment rate and the aggregate amount may be exceeded only by such increase; provided that in no case shall this paragraph operate to provide an aggregate increase of more than ten percentum of the aggregate compensation which but for this paragraph would be payable; provided, further, that this paragraph shall operate to increase the installment rate but not the aggregate amount payable to beneficiaries in cases of occupational diseases resulting in death except as to the disablement or disability occurring on or after July 1, 1941 *and before July 1, 1943.*

In applying the increase hereunder to compensation for disfigurement, the aggregate amount fixed by agreement or by arbitration shall

be 10% greater than provided by paragraph (c) of this section, and the maximum, including such increase, shall be deemed 27½% instead of one-quarter of what the death benefit would have been.

Where the disablement or disability occurs on or after July 1, 1945, compensation due the injured employee during his lifetime under this Section, shall be computed according to the provisions of this Section exclusive of this paragraph, and after so computed shall be increased twenty per centum (20%). Such increase shall be accomplished by increasing each installment and maximums, otherwise applicable to the installment rate, and the aggregate amount may be exceeded only by such increase; provided, that in no case shall this paragraph operate to provide an aggregate increase of more than twenty per centum (20%) of the aggregate compensation which but for this paragraph would be payable; provided, further, that this paragraph shall operate to increase the installment rate but not the aggregate amount payable except as to the disablement of disability occurring on or after July 1, 1945, to the beneficiaries in cases of occupational diseases resulting in death.

In applying the increase hereunder to compensation for disfigurement, the aggregate amount fixed by agreement or by arbitration shall be twenty per centum (20%) greater than provided by paragraph (c) of this section, and the maximum including such increase shall be deemed thirty percentum (30%) instead of one-fourth (¼) of what the death benefit would have been.

No amendment to this paragraph or any part thereof shall in any way affect any right of action thereunder existing at the time such amendment takes effect.

(m) Where the disablement or disability occurs on or after July 1, 1943 compensation due the injured employee during his lifetime under this section shall be computed according to the provisions of this section, exclusive of paragraph (l) and this paragraph, and after so computed shall be increased seventeen and one-half per centum. Such increases shall be accomplished by increasing each installment, and maximums otherwise applicable to the installment rate and the aggregate amount may be exceeded only by such increase; provided that in no case shall this paragraph operate to provide an aggregate increase of more than seventeen and one-half per centum of the aggregate compensation which but for this paragraph would be payable; provided, further, that this paragraph shall operate to increase the installment rate but not the aggregate amount payable to beneficiaries in cases of occupational diseases resulting in death except as to the disablement or disability occurring on or after July 1, 1943.

In applying the increase hereunder to compensation for disfigurement, the aggregate amount fixed by agreement or by arbitration shall be 17½% greater than provided by paragraph (c) of this section, and the maximum, including such increase, shall be deemed 29⅜% instead of one-quarter of what the death benefit would have been.

SECTION 9. Any employer or employee or beneficiary who shall desire to have such compensation, or any unpaid part thereof, paid in a lump sum, may petition the commission, asking that such compensation be so paid, and if, upon proper notice to the interested parties and a proper showing made before such commission or any member thereof, it appears to the best interest of the parties that such compensation be so paid, the commission may order the commutation of the compensation to an equivalent lump sum, which commutation shall be an amount which will equal the total sum of the probable future payments capitalized at their present value upon the basis of interest calculated at three per centum per annum with annual rests: *Provided,* that in cases indicating complete disability no petition for a commutation to a lump sum basis shall be entertained by the commission until after the expiration of six months from the date of the disablement, and where necessary, upon proper application being made, a guardian, conservator or administrator, as the case may be, appointed for any person under disability who may be entitled to any such compensation, and an employer bound by the terms of this Act and liable to pay such compensation, may petition for the appointment of the public administrator, or a conservator, or guardian, where no legal representative has been appointed or is acting for such party or parties under disability.

The payment of compensation in a lump sum to the employee in his lifetime upon order of the Industrial Commission shall extinguish and bar all claims for compensation for death if the compensation paid in a lump sum represents a compromise of a dispute on any question other than the extent of disability.

Subject to the provisions herein above in this paragraph contained, where no dispute exists as to the fact that the occupational disease arose out of and in the course of the employment and where such disease results in death or in the amputation of any member or in the enucleation of an eye, then and in such case the arbitrator or commission may, upon the petition of either the employer or employee, enter an award providing for the payment of compensation for such death or disability in accordance with the provisions of section 7 or paragraph (e) of section 8 of this Act.

SECTION 10. The basis for computing the compensation provided for in sections 7 and 8 of this Act shall be as follows:

(a) The compensation shall be computed on the basis of the annual earnings which the disabled person received as salary, wages or earnings if in the employment of the same employer continuously during the year next preceding the last day of the last exposure.

(b) Employment by the same employer shall be taken to mean employment by the same employer in the grade in which the employee was employed at the time of the last day of the last exposure uninterrupted by absence from work due to illness or any other unavoidable cause.

(c) If such person has not been engaged in the employment of the same employer for the full year immediately preceding the last day of the last exposure, the compensation shall be computed according to the annual earnings which persons of the same class in the same employment and same location, (or if that be impracticable, of neighboring employments of the same kind) have earned during such period.

(d) As to employees in employments in which it is the custom to operate throughout the working days of the year, the annual earnings, if not otherwise determinable, shall be regarded as 300 times the average daily earnings in such computation.

(e) As to employees in employments in which it is the custom to operate for a part of the whole number of working days in each year, such number, if the annual earnings are not otherwise determinable, shall be used instead of 300 as a basis for computing the annual earnings: *Provided,* the minimum number of days which shall be so used for the basis of the year's work shall be not less than 200.

(f) In the case of employees who earn either no wage or less than the earnings of adult day laborers in the same line of employment in that locality, the yearly wage shall be reckoned according to the average annual earnings of adults of the same class in the same (or if that is impracticable then of neighboring) employments.

(g) Earnings, for the purpose of this section, shall be based on the earnings for the number of hours commonly regarded as a day's work for that employment, and shall exclude overtime earnings. The earnings shall not include any sum which the employer has been accustomed to pay the employee to cover any special expense entailed on him by the nature of this employment.

(h) In computing the compensation to be paid to any employee, who, before the disablement for which he claims compensation, was disabled and drawing compensation under the terms of this Act, the compensation for each subsequent disablement shall be apportioned according to the proportion of incapacity and disability caused by the respective disablements which he has suffered.

(i) To determine the amount of compensation for each installment period, the amount per annum shall be ascertained pursuant hereto, and such amount divided by the number of installment periods per annum.

SECTION 11. (a) Whenever, after the death of an employee, any party in interest files an application for adjustment of claim under this Act, and it appears that an autopsy may disclose material evidence as to whether or not such death was due to the inhalation of silica or asbestos dust, the industrial commission, upon petition of either party, may order an autopsy at the expense of the party requesting same, and if such autopsy is so ordered, the commission shall designate a competent pathologist to perform the same, and shall give

the parties in interest such reasonable notice of the time and place thereof as will afford a reasonable opportunity to witness such autopsy in person or by a representative.

It shall be the duty of such pathologist to perform such autopsy as, in his best judgment, is required to ascertain the cause of death. Such pathologist shall make a complete written report of all his findings to the industrial commission (including laboratory results described as such, if any). The said report of the pathologist shall contain his findings on post-mortem examination and said report shall not contain any conclusion of the said pathologist based upon the findings so reported.

Said report shall be placed on file with the industrial commission, and shall be a public record. Said report, or a certified copy thereof, may be introduced by either party on any hearing as evidence of the findings therein stated, but shall not be conclusive evidence of such findings, and either party may rebut any part thereof.

(b) Where an autopsy has been performed at any time with the express or implied consent of any interested party, and without some opposing party, if known or reasonably ascertainable, having reasonable notice of and reasonable opportunity of witnessing the same, all evidence obtained by such autopsy shall be barred upon objection at any hearing; *provided,* that this paragraph shall not apply to autopsies by a coroner's physician in the discharge of his official duties.

SECTION 12. An employee entitled to receive disability payments shall be required, if requested by the employer, to submit himself, at the expense of the employer, for examination to a duly qualified medical practitioner or surgeon selected by the employer, at any time and place reasonably convenient for the employee, either within or without the State of Illinois, for the purpose of determining the nature, extent and probable duration of the occupational disease and the disability therefrom suffered by the employee, and for the purpose of ascertaining the amount of compensation which may be due the employee from time to time for disability according to the provisions of this Act: *Provided,* an employer requesting such an examination, of an employee residing within the State of Illinois, shall pay in advance of the time fixed for the examination sufficient money to defray the necessary expenses of travel by the most convenient means to and from the place of examination, and the costs of meals necessary during the trip, and if the examination or travel to and from the place of examination causes any loss of working time on the part of the employee, the employer shall reimburse him for such loss of wages upon the basis of his average daily wage. *Provided, however,* that such examination shall be made in the presence of a duly qualified medical practitioner or surgeon provided and paid for by the employee, if such employee so desires.

In all cases where the examination is made by a physician or surgeon engaged by the employer, and the employee has no physician or

surgeon present at such examination, it shall be the duty of the physician or surgeon making the examination at the instance of the employer to deliver to the employee, or his representative, a statement in writing of the examination and findings to the same extent that said physician or surgeon reports to the employer and the same shall be an exact copy of that furnished to the employer, said copy to be furnished the employee, or his representative, as soon as practicable but not later than the time the case is set for hearing. Such delivery shall be made in person either to the employee or his representative, or by registered mail to either, and the receipt of either shall be proof of such delivery. If such physician or surgeon refuses to furnish the employee with such statement to the same extent as that furnished the employer, said physician or surgeon shall not be permitted to testify at the hearing next following said examination. If the employee refuses so to submit himself to examination or unnecessarily obstructs the same, his right to compensation payments shall be temporarily suspended until such examination shall have taken place, and no compensation shall be payable under this Act for such period. It shall be the duty of physicians or surgeons treating an employee who is likely to die, and treating him at the instance of the employer, to have called in another physician or surgeon to be designated and paid for by either the employee or by the person or persons who would become his beneficiary or beneficiaries, to make an examination before the death of such employee.

In all cases where the examination is made by a physician or surgeon engaged by the employee, and the employer has no physician or surgeon present at such examination, it shall be the duty of the physician or surgeon making the examination at the instance of the employee, to deliver to the employer, or his representative, a statement in writing of the examination and findings to the same extent that said physician or surgeon reports to the employee and the same shall be an exact copy of that furnished to the employee, said copy to be furnished the employer, or his representative, as soon as practicable but not later than the time the case is set for hearing. Such delivery shall be made in person either to the employer, or his representative, or by registered mail to either, and the receipt of either shall be proof of such delivery. If such physician or surgeon refuses to furnish the employer with such statement to the same extent as that furnished the employee, said physician or surgeon shall not be permitted to testify at the hearing next following said examination.

SECTION 13. No compensation shall be payable under this Act for any condition of physical or mental ill-being, disability, disablement, or death for which compensation is recoverable on account of accidental injury under the "Workmen's Compensation Act"

SECTION 14. The members of the industrial commission, arbitrators and other employees whose duties require them to travel, shall have reimbursed to them their actual traveling expenses and disbursements made or incurred by them in the discharge of their official

duties while away from their place of residence in the performance of their duties under this Act.

The secretary, or assistant secretary, of the commission shall furnish certified copies, under the seal of the commission, of any such records, files, orders, proceedings, decisions, awards and other documents on file with the commission as may be required. Certified copies so furnished by the secretary or assistant secretary shall be received in evidence before the commission or any arbitrator thereof, and in all courts, provided that the original of such certified copy is otherwise competent and admissible in evidence. The secretary or assistant secretary shall perform such other duties as may be prescribed from time to time by the commission.

The security supervisor, under the direction of the industrial commission, shall perform such duties as may be prescribed from time to time by the commission.

SECTION 15. The industrial commission shall have jurisdiction over the operation and administration of the compensation provisions of this Act, and said commission shall perform all the duties imposed upon it by this Act, and such further duties as may hereafter be imposed by law and the rules of the industrial commission not inconsistent therewith.

SECTION 16. The industrial commission shall make and publish rules and orders for carrying out the duties imposed upon it by law, which rules and orders shall be deemed prima facie reasonable and valid; and the process and procedure before the commission shall be as simple and summary as reasonably may be. The commission upon application of either party may issue *dedimus potestatem* directed to a commissioner, notary public, justice of the peace or any other officer authorized by law to administer oaths, to take the depositions of such witness or witnesses as may be necessary in the judgment of such applicant. Such *dedimus potestatem* may issue to any of the officers aforesaid in any state or territory of the United States. When the deposition of any witness resident of a foreign country is desired to be taken, the *dedimus* shall be directed to and the deposition taken before a consul, vice consul or other authorized representative of the government of the United States of America, whose station is in the country where the witness whose deposition is to be taken resides; *provided,* that in countries where the government of the United States has no consul or other diplomatic representative, then depositions in such case shall be taken through the appropriate judicial authority of that country; or where treaties provide for other methods of taking depositions, then the same may be taken as in such treaties provided. The commission shall have the power to adopt necessary rules to govern the issue of such *dedimus potestatem.* The commission, or any member thereof, or any arbitrator designated by said commission shall have the power to administer oaths, subpoena and examine witnesses, to issue subpoenas *duces tecum,* requiring the production of such books, papers, records and documents as may be evidence of any matter under inquiry, and to examine and inspect the same and such

places or premises as may relate to the question in dispute. Said commission, or any member thereof, or any arbitrator designated by said commission, shall on written request of either party to the dispute, issue subpoenas for the attendance of such witnesses and production of such books, papers, records and documents as shall be designated in said applications, providing, however, that the parties applying for such subpoena shall advance the officer and witness fees provided for in suits pending in the circuit court. Service of such subpoenas shall be made by any sheriff or constable or other person. In case any person refuses to comply with an order of the commission or subpoenas issued by it or by any member thereof, or any arbitrator designated by said commission or to permit an inspection of places or premises, or to produce any books, papers, records, or documents, or any witness refuses to testify to any matters regarding which he may be lawfully interrogated, the county court of the county in which said hearing or matter is pending, on application of any member of the commission or any arbitrator designated by the commission, shall compel obedience by attachment proceedings, as for contempt, as in a case of disobedience of the requirements of a subpoena from such court or refusal to testify therein.

The records kept by a hospital, certified to as true and correct by the superintendent or other officer in charge, showing the medical and surgical treatment given an employee in such hospital, shall be admissible without any further proof as evidence of the medical and surgical matters stated therein, but shall not be conclusive proof of such matters.

The commission at its expense shall provide *an official court reporter* to take the testimony and record of proceedings at the hearings before an arbitrator, committee of arbitration, or the commission, *who* shall furnish a transcript of such testimony or proceedings to either party requesting it, upon payment to him therefor of *fourteen* cents per one hundred words for the original and *ten* cents per one hundred words for each copy of such transcript.

The commission shall have the power to determine the reasonableness and fix the amount of any fee of compensation charged by any person, including attorneys, physicians, surgeons and hospitals, for any service performed in connection with this Act, or for which payment is to be made under this Act, or rendered in securing any right under this Act.

SECTION 17. The commission shall cause to be printed and shall furnish free of charge upon request by any employer or employee such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this Act, and the performance of the duties of the commission; it shall provide a proper record in which shall be entered and indexed the name of any employer who shall file a notice of election under this Act, and the date of the filing thereof; and a proper record in which shall be entered and indexed the name of any employee who shall file a notice of election, and the date of the filing thereof; and such other notices as may be required by this Act; and

records in which shall be recorded all proceedings, orders and awards had or made by the commission, or by the arbitration committees, and such other books or records as it shall deem necessary, all such records to be kept in the office of the commission. The commission, in its discretion, may destroy all papers and documents except notices of election and waivers which have been on file for more than five years where there is no claim for compensation pending, or where more than two years have elapsed since the termination of the compensation period.

SECTION 18. All questions arising under this Act, if not settled by agreement of the parties interested therein, shall, except as otherwise provided, be determined by the industrial commission.

SECTION 19. Any disputed questions of law or fact shall be determined as herein provided.

(a) It shall be the duty of the industrial commission upon notification that the parties have failed to reach an agreement, to designate an arbitrator; *provided,* that if the compensation claimed is for a partial permanent or total permanent incapacity or for death, then the dispute may, at the election of any party, be determined by a committee of arbitration consisting of three members, which election for determination by a committee shall be made by any petitioner filing with the commission his election in writing with the petition or by any other party filing with the commission his election in writing within five days of notice to him of the filing of the petition, and thereupon it shall be the duty of the industrial commission upon any of the parties having filed such election for a committee of arbitration as above provided, to notify the parties to appoint their respective representatives on the committee of arbitration. The commission shall designate an arbitrator to act as chairman, and if either side, whether by mere omission or because of disagreement among parties on that side, fails to appoint its member on the committee within seven days after notification as above provided, the commission shall appoint a person to fill the vacancy and notify the parties to that effect. The party filing his election for a committee of arbitration shall with his election deposit with the commission the sum of twenty dollars, to be paid by the commission to the arbitrators selected by the parties as compensation for their services as arbitrators and upon a failure to deposit as aforesaid, the election shall be void and the determination shall be by an arbitrator designated by the commission. The members of the committee of arbitration appointed by either side or one appointed by the commission to fill a vacancy by reason of the failure of one of the parties to appoint, shall not be a member of the commission or an employee thereof.

(1) The application for adjustment of claim filed with the industrial commission shall state:

(a) The approximate date of the last day of the last exposure and the approximate date of the disablement.

(b) The general nature and character of the illness or disease claimed.

(c) The name and address of the employer by whom employed on the last day of the last exposure and if employed by any other employer after such last exposure and before disablement the name and address of such other employer or employers.

(d) In case of death, the date and place of death.

(e) Amendments to applications for adjustment of claim which relate to the same disablement or disablement resulting in death originally claimed upon may be allowed by the industrial commission or an arbitrator thereof, in their discretion, and in the exercise of such discretion, they may in proper cases order a trial *de novo;* such amendment shall relate back to the date of the filing of the original application so amended.

(f) Whenever any claimant misconceives his remedy and files an application for adjustment of claim under this Act and it is subsequently discovered, at any time before final disposition of such cause, that the claim for disability or death which was the basis for such application should properly have been made under the Workmen's Compensation Act, then the provisions of section 19 paragraph (a-1) of the Workmen's Compensation Act having reference to such application shall apply.

Whenever any claimant misconceives his remedy and files an application for adjustment of claim under the Workmen's Compensation Act and it is subsequently discovered, at any time before final disposition of such cause that the claim for injury or death which was the basis for such application should properly have been made under this Act, then the application so filed under the Workmen's Compensation Act may be amended in form, substance or both to assert claim for such disability or death under this Act and it shall be deemed to have been so filed as amended on the date of the original filing thereof, and such compensation may be awarded as is warranted by the whole evidence pursuant to the provisions of this Act. When such amendment is submitted, further or additional evidence may be heard by the arbitrator or industrial commission when deemed necessary; *provided,* that nothing in this section contained shall be construed to be or permit a waiver of any provisions of this Act with reference to notice or demand, but notice or demand if given shall be deemed to be a notice or a demand under the provisions of this Act if given within the time required herein.

(b) The arbitrator or committee of arbitration shall make such inquiries and investigations as he or they shall deem necessary and may examine and inspect all books, papers, records, places, or premises relating to the questions in dispute and hear such proper evidence as the parties may submit. The hearings before the arbitrator or committee of arbitration shall be held in the vicinity where the last exposure occurred, after ten days' notice of the time and place of such hearing shall have been given to each of the parties or their attorneys of record. The arbitrator or committee of arbitration may find that the disabling condition is temporary and has not yet reached a permanent condition and may order the payment of compensation up to the date of the hearing, which award shall be reviewable and enforce-

able in the same manner as other awards, and in no instance be a bar to a further hearing and determination of a further amount of temporary total compensation or of a compensation for permanent disability, but shall be conclusive as to all other questions except the nature and extent of said disability. The decision of the arbitrator or committee of arbitration shall be filed with the industrial commission, which commission shall immediately send to each party or his attorney a copy of such decision, together with a notification of the time when it was filed, and unless a petition for review is filed by either party within fifteen days after the receipt by said party of the copy of said decision and notification of time when filed, and unless such party petitioning for a review shall within twenty days after the receipt by him of the copy of said decision, file with the commission either an agreed statement of the facts appearing upon the hearing before the arbitrator or committee of arbitration, or if such party shall so elect, a correct transcript of evidence of the proceedings at such hearings, then the decision shall become the decision of the industrial commission and in the absence of fraud shall be conclusive: *Provided,* that such industrial commission or any member thereof may grant further time not exceeding thirty days, in which to petition for such review or to file such agreed statement or transcript of evidence. Such agreed statement of facts or correct transcript of evidence, as the case may be, shall be authenticated by the signatures of the parties or their attorneys, and in the event they do not agree as to the correctness of the transcript of evidence it shall be authenticated by the signature of the arbitrator designated by the commission.

(c) The industrial commission may appoint, at its own expense, a duly qualified, impartial physician to examine the employee and report to the commission. The fee for this service shall not exceed five dollars and traveling expenses, but the commission may allow additional reasonable amounts in extraordinary cases.

(d) If any employee shall persist in insanitary or injurious practices which tend either to imperil or retard his recovery or shall refuse to submit to such medical, surgical, or hospital treatment as is reasonably essential to promote his recovery, the commission may, in its discretion, reduce or suspend the compensation of any such employee.

(e) If a petition for review and agreed statement of facts or transcript of evidence is filed, as provided herein, the industrial commission shall promptly review the decision of the arbitrator or committee of arbitration and all questions of law or fact which appear from the said statement of facts or transcript of evidence, and such additional evidence as the parties may submit. After such hearing upon review, the commission shall file in its office its decision thereon, and shall immediately send to each party or his attorney a copy of such decision and a notification of the time when it was filed.

Such review and hearing may be held in its office or elsewhere as the commission may deem advisable: *Provided,* that the taking of testimony on such hearing may be had before any member of the commission and in the event either of the parties may desire an argument

before others of the commission, such argument may be had upon written demand therefor filed with the commission at least five days before the date of the hearing, in which event such argument shall be had before not less than a majority of the commission: *Provided,* that the commission shall give ten days' notice to the parties or their attorneys of the time and place of such taking of testimony and of such argument.

In any case the commission in its decision may in its discretion find specially upon any question or questions of law or fact which shall be submitted in writing by either party, whether ultimate or otherwise. Any party may, within twenty days after receipt of notice of the commission's decision, or within such further time not exceeding thirty days, as the commission may grant, file with the commission either an agreed statement of the facts appearing upon the hearing, or, if such party shall so elect, a correct transcript of evidence of the additional proceedings presented before the commission, in which report the party may embody a correct statement of such other proceedings in the case as such party may desire to have reviewed, such statement of facts or transcript of evidence to be authenticated by the signature of the parties or their attorneys, and in the event that they do not agree, then the authentication of such transcript of evidence shall be by the signature of any member of the commission. If a reporter does not for any reason furnish a transcript of the proceedings before the arbitrator in any case for use on a hearing for review before the industrial commission, within the limitations of time as fixed in this section, the industrial commission may, in its discretion, order a trial *de novo* before the industrial commission in such case upon application of either party. The applications for adjustment of claim and other documents in the nature of pleadings filed by either party, together with the decisions of the arbitrator and of the industrial commission and the statement of facts or transcripts of evidence herein provided for shall be the record of the proceedings of said commission, and shall be subject to review as hereinafter provided.

(f) The decision of the industrial commission acting within its powers, according to the provisions of paragraph (e) of this section shall, in the absence of fraud, be conclusive unless reviewed as in this paragraph hereinafter provided: *Provided, however,* that the arbitrator or the commission may on his or its own motion, or on the motion of either party, correct any clerical error or errors in computation within fifteen days after the date of any award by such arbitrator or any decision on review of the commission, and shall have the power to recall the original award on arbitration or decision on review, and issue in lieu thereof such corrected award or decision. Where such correction is made the time for appeal or review herein specified shall begin to run from the date of the receipt of the corrected award or decision.

(1) The circuit court of the county where any of the parties defendant may be found, except in such cases as arise in a proceeding in which, under paragraph (b) of this section, the decision of the arbi-

trator or committee of arbitration has become the decision of the industrial commission, shall by writ of certiorari to the industrial commission have power to review all questions of law and fact presented by such record; provided no additional evidence shall be heard in the circuit court. Such suit by writ of certiorari shall be commenced within twenty days of the receipt of notice of the decision of the commission. Such writ of certiorari and writ of *scire facias* shall be issued by the clerk of such court upon praecipe returnable on a designated return day, not less than ten or more than sixty days from the date of issuance thereof, and the praecipe shall contain the last known address of other parties in interest and their attorneys of record who are to be served by *scire facias*. Service upon any member of the industrial commission or the secretary or the assistant secretary thereof shall be service upon the commission, and service upon other parties in interest and their attorneys of record shall be by *scire facias*, and such service shall be made upon said commission and other parties in interest by mailing notices of the commencement of the proceedings and the return day of the writ to the office of the said commission and to the last known place of residence of other parties in interest or their attorney or attorneys of record. The clerk of the court issuing the writ of *scire facias* shall on the day of issue mail notice of the commencement of the proceedings which shall be done by mailing a copy of the writ of certiorari to the office of the industrial commission, and a copy of the writ of *scire facias* to the other parties in interest or their attorney or attorneys of record, and the clerk of said court shall make certificate that he has so sent said notices in pursuance of this section, which shall be evidence of service on the commission and other parties in interest.

The industrial commission shall not be required to certify the record of their proceedings to the Circuit Court, unless the party commencing the proceedings for review in the Circuit Court as above provided, shall pay to the commission the sum of *fourteen* cents per one hundred words of testimony taken before said commission and *eight* cents per one hundred words of all other matters contained in such record, and it shall be the duty of the commission, upon such payment, to prepare a true and correct typewritten copy of such testimony and a true and correct copy of all other matters contained in such record, and certified to by the secretary or assistant secretary thereof.

In its decision on review the industrial commission shall determine in each particular case the amount of the probable cost of the record to be filed as a return to the writ of certiorari in that case and no praecipe for a writ of certiorari may be filed and no writ of certiorari shall issue unless the party seeking to review the decision of the industrial commission shall exhibit to the clerk of the said Circuit Court a receipt showing payment of the sums so determined to the industrial commission.

(2) No such writ of certiorari shall issue unless the one against whom the industrial commission shall have rendered an award for the payment of money shall upon the filing of his praecipe for such writ

file with the clerk of said court a bond conditioned that if he shall not successfully prosecute said writ, he will pay the said award and the costs of the proceedings in said court. The amount of the bond shall be fixed by any member of the industrial commission and the surety or securities of said bond shall be approved by the clerk of said court.

The State and every county, city, town, township, incorporated village, school district, body politic or municipal corporation having a population of five hundred thousand or more against whom the industrial commission shall have rendered an award for the payment of money shall not be required to file a bond to secure the payment of said award and the costs of the proceedings in said court to authorize said court to issue such writ of certiorari.

The court may confirm or set aside the decision of the industrial commission. If the decision is set aside and the facts found in the proceedings before the commission are sufficient, the court may enter such decision as is justified by law, or may remand the cause to the industrial commission for further proceedings and may state the questions requiring further hearing, and give such other instructions as may be proper.

Judgments and orders of the circuit court under this Act shall be reviewed only by the Supreme Court upon a writ of error which the Supreme Court in its discretion may order to issue, if applied for within thirty days after the rendition of the circuit court judgment or order sought to be reviewed. The writ of error when issued shall operate as a supersedeas.

The bond filed with the praecipe for the writ of certiorari as provided in this paragraph shall operate as a stay of judgment or order of the circuit court until the time shall have passed within which an application for a writ of error can be made, and until the Supreme Court has acted upon the application for a writ of error, if such application is made.

It shall be the duty of the clerk of any court rendering a decision affecting or affirming an award of the commission promptly to furnish the commission with a copy of such decision without charge.

The decision of a majority of the members of the committee of arbitration or of the industrial commission, shall be considered the decision of such committee or commission, respectively.

(g) Either party may present a certified copy of the award of the arbitrator, or a certified copy of the decision of the industrial commission when the same has become final, when no proceedings for review are pending, providing for the payment of compensation according to this Act, to the circuit court of the county where the last exposure occurred or either of the parties are residents, whereupon said court shall render a judgment in accordance therewith; and in case where the employer refuses to pay compensation according to such final award or such final decision upon which such judgment is entered, the court shall in entering judgment thereon, tax as costs against him the reasonable costs and attorney fees in the arbitration proceedings and in the court entering the judgment for the person in whose favor the judgment is entered, which judgment and costs taxed as herein pro-

vided shall, until and unless set aside, have the same effect as though duly rendered in an action duly tried and determined by said court, and shall with like effect, be entered and docketed. The circuit court shall have power at any time upon application to make any such judgment conform to any modification required by any subsequent decision of the Supreme Court upon appeal, or as the result of any subsequent proceedings for review, as provided in this Act.

Judgment shall not be entered until fifteen days' notice of the time and place of the application for the entry of judgment shall be served upon the employer by filing such notice with the industrial commission, which commission shall, in case it has on file the address of the employer or the name and address of its agent upon whom notices may be served, immediately send a copy of the notice to the employer or such designated agent.

(h) An agreement or award under this Act providing for compensation in installments, may at any time within eighteen months after such agreement or award be reviewed by the industrial commission at the request of either the employer or the employee, on the ground that the disability of the employee has subsequently recurred, increased, diminished or ended; and on such review compensation payments may be re-established, increased, diminished or ended: *Provided,* that the commission shall give fifteen days' notice to the parties, of the hearing for review: *And, provided, further,* any employee, upon any petition for such review being filed by the employer, shall be entitled to one day's notice for each one hundred miles necessary to be traveled by him in attending the hearing of the commission upon said petition, and three days in addition thereto, and such employee shall, at the discretion of the commission, also be entitled to five cents per mile necessarily traveled by him within the State of Illinois in attending such hearing, not to exceed a distance of 300 miles, to be taxed by the commission as costs and deposited with the petition of the employer: *Provided further,* that when compensation which is payble in accordance with an award or settlement contract approved by the industrial commission, is ordered paid in a lump sum by the commission, no review shall be had as in this paragraph mentioned.

(i) Each party, upon taking any proceedings or steps whatsoever before any arbitrator, committee of arbitration, industrial commission or court, shall file with the industrial commission his address, or the name and address of any agent upon whom all notices to be given to such party shall be served, either personally or by registered mail, addressed to such party or agent at the last address so filed with the industrial commission: *Provided,* that in the event such party has not filed his address, or the name and address of an agent, as above provided, service of any notice may be had by filing such notice with the industrial commission.

(j) Whenever in any proceeding testimony has been taken or a final decision has been rendered, and after the taking of such testimony or after such decision has become final, the employee dies, then in any subsequent proceeding brought by the personal representative beneficiaries of the deceased employee, such testimony in the former

proceeding may be introduced with the same force and effect as though the witness having so testified were present in person in such subsequent proceedings and such final decision, if any, shall be taken as final adjudication of any of the issues which are the same in both proceedings.

(k) In any cases where there has been any unreasonable or vexatious delay of payment or intentional under-payment of compensation, or proceedings have been instituted or carried on by the one liable to pay the compensation, which do not present a real controversy, but are merely frivolous or for delay, then the commission may award compensation additional to that otherwise payable under this Act equal to fifty per centum of the amount payable at the time of such award. Failure to pay compensation in accordance with the provisions of section 8, paragraph (i) of this Act, shall be considered unreasonable delay.

SECTION 20. The industrial commission shall report in writing to the Governor on the 30th day of June, annually, the details and results of its administration of this Act, in accordance with the terms of this Act, and may prepare and issue such special bulletins and reports from time to time as in the opinion of the commission seems advisable.

SECTION 21. No payment, claim, award or decision under this Act shall be assignable or subject to any lien, attachment or garnishment, or be held liable in any way of any lien, debt, penalty or damages. And the compensation allowed by any award or decision of the commission shall be entitled to a preference over the unsecured debts of the employer, wages excepted, contracted after the date of the disablement of an employee. A decision or award of the industrial commission against an employer for compensation under this Act, or a written agreement by an employer to pay such compensation shall, upon the filing of a certified copy of the decision or said agreement, as the case may be, with the recorder of deeds of the county, constitute a lien upon all property of the employer within said county, paramount to all other claims or liens, except mortgages, trust deeds, or for wages or taxes, and such liens may be enforced in the manner provided for the foreclosure of mortgages under the laws of this State. Any right to receive compensation hereunder shall be extinguished by the death of the person or persons entitled thereto, subject to the provisions of this Act relative to compensation for death received in the course of employment, and subject to the provisions of paragraph (e) of section 8 of this Act relative to specific loss: *Provided,* that upon the death of a beneficiary, who is receiving compensation provided for in section 7, leaving surviving a parent, sister or brother of the deceased employee, at the time of his death, dependent upon him for support, who were receiving from such beneficiary a contribution to support, then that proportion of the compensation of the beneficiary which would have been paid but for the death of the beneficiary, but in no event exceeding said unpaid compensation, which the contribution of the beneficiary to the dependent's support within one year prior to the

death of the beneficiary bears to the compensation of the beneficiary within that year, shall be continued for the benefit of such dependents, notwithstanding the death of the beneficiary.

SECTION 22. Any contract or agreement made by any employer or his agent or attorney with any employee or any other beneficiary of any claim under the provisions of this Act within seven days after the disablement shall be presumed to be fraudulent.

SECTION 23. No employee, personal representative, or beneficiary shall have power to waive any of the provisions of this Act in regard to the amount of compensation which may be payable to such employee, personal representative or beneficiary hereunder except after approval by the industrial commission; *provided, however,* that any employee who prior to the taking effect of this Act has contracted silicosis or asbestosis but is not disabled therefrom, may within sixty days after the taking effect of this Act, file with the industrial commission a request for permission to waive full compensation on account of disability or death resulting from silicosis or asbestosis, or any direct result thereof, supported by medical evidence satisfactory to the industrial commission, that he has actually contracted silicosis or asbestosis but is not disabled therefrom, and if the industrial commission shall approve such waiver, the compensation payable, for such resulting disability or death of such employee, after further exposure in the employment of any employer who has elected pursuant to paragraphs (a) and (b) of section 4 of this Act, shall be fifty per centum of the compensation which but for such waiver would have been payable by any such employer.

A minor death beneficiary, by parent or grandparent as next friend may compromise disputes and may enter into and submit a settlement contract or lump sum petition, and upon approval by the Industrial Commission such settlement contract or lump sum order shall have the same force and effect as though such minor had been an adult.

SECTION 24. No proceedings for compensation under this Act shall be maintained unless notice has been given to the employer of disablement arising from an occupational disease as soon as practicable after the date of the disablement.

In case of mental incapacity of the employee or any dependents of a deceased employee who may be entitled to compensation, under the provisions of this Act, the limitations of time in this section of this Act provided shall not begin to run against said mental incompetents until a conservator or guardian has been appointed: *Provided that where such limitation bars an adult mentally competent member of a class of beneficiaries entitled to receive compensation for death, such limitation shall then bar all beneficiaries notwithstanding that another or others be mentally or otherwise incapacitated or incompetent.* No defect or inaccuracy of such notice shall be a bar to the maintenance of proceedings on arbitration or otherwise by the employee unless the employer proves that he is unduly prejudiced in such proceedings by such defect or inaccuracy. Notice of the disabling disease may be given

orally or in writing; *provided,* no proceedings for compensation under this Act shall be maintained unless claim for compensation has been made within six (6) months after the occurrence of the disablement from the occupational disease; *provided further,* that in any case, unless application for compensation is filed with the industrial commission within one (1) year after the date of the disablement, *where no compensation has been paid,* or within one (1) year after the date of the last payment of compensation, *where* any has been paid, the right to file such application shall be barred; *Provided, further, that if the occupational disease results in death within said year, application for compensation for death may be filed with the Industrial Commission within one year after the date of death, but not thereafter.*

SECTION 25. An employee shall be conclusively deemed to have been exposed to the hazards of an occupational disease when for any length of time however short, he is employed in an occupation or process in which the hazard of the disease exists.

The employer liable for the compensation in this Act provided shall be the employer in whose employment the employee was last exposed to the hazard of the occupational disease claimed upon regardless of the length of time of such last exposure, *provided,* that in cases of silicosis or asbestosis, the only employer liable shall be the last employer in whose employment the employee was last exposed during a period of sixty (60) days or more after the effective date of this Act, to the hazard of such occupational disease, and, in such cases, an exposure during a period of less than sixty (60) days, after the effective date of this Act, shall not be deemed a last exposure.

The insurance carrier liable shall be the carrier whose policy was in effect covering the employer liable on the last day of the exposure rendering such employer liable in accordance with the provisions of this Act.

SECTION 26. (a) Any employer electing to provide and pay the compensation provided for in this Act shall:

(1) File with the commission a sworn statement showing his financial ability to pay the compensation provided for in this Act, the affidavit to which statement shall be signed and sworn to by the president or vice president and secretary or assistant secretary of said employer if it be a corporation, or by all of the partners if it be a co-partnership, or by the owner if it be neither a co-partnership nor a corporation, or if any such employer fails to file such a sworn statement, or if the sworn statement of any such employer does not satisfy the commission of the financial ability of the employer who has filed it, the commission shall require such employer to:

(2) Furnish security, indemnity or a bond guaranteeing the payment by the employer of the compensation provided for in this Act, or

(3) Insure his entire liability to pay such compensation in some insurance carrier authorized, licensed, or permitted to do such insurance business in this State; *provided,* all policies of such insurance carriers insuring the payment of compensation under this Act shall

cover all the employees and all such employer's compensation liability in all cases in which the last day of the last exposure to the occupational disease involved is within the effective period of the policy, anything to the contrary in said policy notwithstanding; *providing further,* that no policy of insurance in effect at the time of the enactment of this Act, covering the liability of an employer for workmen's compensation, shall be construed to cover the liability of such employer under this Act for any occupational disease unless such liability is expressly accepted by the insurance carrier issuing such policy and is endorsed thereon; the insurance or security in force to cover compensation liability under this Act shall be separate and distinct from the insurance or security under the "Workmen's Compensation Act" and any insurance contract covering liability under either Act need not cover any liability under the other; nothing herein contained shall apply to policies of excess liability carriage secured by employers who have qualified under sub-paragraphs 1 or 2 of paragraph (a) of this section, or

(4) Make some other provision, satisfactory to the industrial commission, for the securing of the payment of compensation provided for in this Act, and

(5) Upon becoming subject to this Act and thereafter as often as the commission may in writing demand, file with the commission in form prescribed by it evidence of his compliance with the provisions of this section.

(b) The sworn statement of financial ability, or security, indemnity or bond, or amount of insurance, or other provisions, filed, furnished, carried, or made by the employer, as the case may be, shall be subject to the approval of the commission, upon the approval of which, the commission shall send to the employer written notice of its approval thereof. A certificate of compliance with the provisions of subparagraphs 2 and 3 of paragraph (a) of this section shall within five days after the effective date of said policy be delivered by the insurance carrier to the industrial commission. Said policy shall remain in full force and effect until thirty days after receipt by the industrial commission of notice of its cancellation or expiration and shall cover all compensation liability occurring during said time.

(c) Wherever the industrial commission shall find that any corporation, company, association, aggregation of individuals, reciprocal or interinsurers exchange, or other insurer effecting workmen's compensation insurance in this State shall be insolvent, financially unsound, or unable fully to meet all payments and liabilities assumed or to be assumed for compensation insurance in this State, or shall practice a policy of delay or unfairness toward employees in the adjustment, settlement, or payment of benefits due such employees, the said industrial commission may after reasonable notice and hearing order and direct that such corporation, company, association, aggregation of individuals, reciprocal or interinsurers exchange, or insurer, shall from and after a date fixed in such order discontinue the writing of any such workmen's compensation insurance in this State. Subject to such modification of said order as the commission may later make on

review of said order, as herein provided, it shall thereupon be unlawful for any such corporation, company, association, aggregation of individuals, reciprocal or interinsurers exchange, or insurer to effect any workmen's compensation insurance in this State. All orders made by the industrial commission under this section shall be subject to review by the courts, said review to be taken in the same manner and within the same time as provided by section 19 of this Act for review of awards and decisions of the industrial commission, upon the party seeking said review filing with the clerk of the court to which said review is taken a bond in an amount to be fixed and approved by the judge of the court to which said review is taken, conditioned upon the payment of all compensation awarded against said person taking said review pending a decision thereof, *provided* that upon said review the circuit court shall have power to review all questions of fact as well as of law.

(d) The failure or negect of an employer to comply with any of the provisions of paragraph (a) of this section or the failure or refusal of an insurance carrier to comply with any order of the industrial commission pursuant to paragraph (c) of this section, shall be deemed a misdemeanor punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, for each day of such refusal or neglect until the same ceases. Each day of such refusal or neglect shall constitute a separate offense. *Provided,* that the penalty provided for in this paragraph shall not attach and shall not begin to run until the final determination of the order of the commission.

In all prosecutions under this section the venue may be in any county wherein said employer or insurance carrier has property or maintains a principal office. Upon the failure or refusal of any employer or insurance carrier to comply with the orders of the industrial commission under this section, or the order of the court on review after final adjudication, it shall be the duty of the industrial commission immediately to report said failure or refusal to the Attorney General and it shall be the duty of said Attorney General within thirty days after receipt of said notice, to institute prosecution and promptly prosecute all reported violations of this section.

SECTION 27. (a) This Act shall not affect or disturb the continuance of any existing insurance, mutual aid, benefit, or relief association or department, whether maintained in whole or in part by the employer or whether maintained by the employees, the payment of benefits of such association or department being guaranteed by the employer or by some person, firm or corporation for him: *Provided,* the employer contributes to such association or department an amount not less than the full compensation herein provided, exclusive of the cost of the maintenance of such association or department and without any expense to the employee. This Act shall not prevent the organization and maintaining under the insurance laws of this State of any benefit or insurance company for the purpose of insuring against the compensation provided for in this Act, the expense of which is maintained by the employer. This Act shall not prevent the organi-

zation or maintaining under the insurance laws of this State of any voluntary mutual aid, benefit or relief association among employees for the payment of additional accident or sick benefits.

(b) No existing insurance, mutual aid, benefit or relief association or department shall, by reason of anything herein contained, be authorized to discontinue its operation without first discharging its obligations to any and all persons carrying insurance in the same or entitled to relief or benefits therein.

(c) Any contract, oral, written or implied, of employment providing for relief benefit, or insurance or any other device whereby the employee is required to pay any premium or premiums for insurance against the compensation provided for in this Act shall be null and void, and any employer withholding from the wages of any employee any amount for the purpose of paying any such premium shall be guilty of a misdemeanor and punishable by a fine of not less than ten dollars nor more than one thousand dollars, or imprisonment in the county jail for not more than six months, or both, in the discretion of the court.

SECTION 28. In the event the employer does not pay the compensation for which he is liable, then an insurance company, association or insurer which may have insured such employer against such liability shall become primarily liable to pay to the employee, his personal representative or beneficiary the compensation required by the provisions of this Act to be paid by such employer. The insurance carrier may be made a party to the proceedings to which the employer is a party and an award may be entered jointly against the employer and the insurance carrier.

SECTION 29. Where a disablement or death for which compensation is payable by the employer under this Act was not proximately caused by the negligence of the employer or his employees, and was caused under circumstances creating a legal liability for damages in some person other than the employer to pay damages, such other person having also elected to provide and pay compensation under this Act, the right of the employee or personal representative to recover against such other person shall be transferred to his employer and such employer may bring legal proceedings against such other person to recover the damages sustained, in an amount not exceeding the aggregate amount of compensation payable under this Act, by reason of the disablement or death of such employee.

Where the disablement or death for which compensation is payable under this Act was not proximately caused by the negligence of the employer or his employees and was caused under circumstances creating a legal liability for damages on the part of some person other than the employer to pay damages, such other person not having elected to provide and pay compensation under this Act, then legal proceedings may be taken against such other person to recover damages notwithstanding such employer's payment of or liability to pay compensation under this Act. In such case, however, if the action against such other person is brought by the disabled employee or his

personal representative and judgment is obtained and paid, or settlement is made with such other person, either with or without suit, then from the amount received by such employee or personal representative there shall be paid to the employer the amount of compensation paid or to be paid by him to such employee or personal representative.

If the disabled employee or his personal representative shall agree to receive compensation from the employer or accept from the employer any payment on account of such compensation, or to institute proceedings to recover the same, the said employer may have or claim a lien upon any award, judgment or fund out of which such employee might be compensated from such third party.

In such action brought by the employee or his personal representative, he shall forthwith notify his employer by personal service or registered mail, of such fact and of the name of the court in which such suit is brought, filing proof thereof in such action. The employer may at any time thereafter join in said action upon his motion so that all orders of court after hearing and judgment shall be made for his protection. No release or settlement of claim for damages by reason of such disability or death, and no satisfaction of judgment in such proceedings, shall be valid without the written consent of both employer and employee or his personal representative, except in the case of the employers, such consent shall not be required where said employer has been fully indemnified or protected by court order.

In the event the said employee or his personal representative shall fail to institute a proceeding against such third person at any time prior to three months before said action would be barred at law said employer may in his own name, or in the name of the employee, or his personal representative, commence a proceeding against such other person for the recovery of damages on account of such disability or death to the employee, and out of any amount recovered the employer shall pay over to the injured employee or his personal representative all sums collected from such other person by judgment or otherwise in excess of the amount of such compensation paid or to be paid under this Act, and costs, attorney's fees and reasonable expenses as may be incurred by such employer in making such collection or in enforcing such liability.

SECTION 30. It shall be the duty of every employer within the compensation provisions of this Act to send to the industrial commission in writing an immediate report of all occupational diseases arising out of and in the course of the employment and resulting in death; it shall also be the duty of every such employer to report between the 15th and the 25th of each month to the industrial commission all occupational diseases for which compensation has been paid under this Act, which entail a loss to the employee of more than one week's time, and in case the occupational disease results in permanent disability, a further report shall be made as soon as it is determined that such permanent disability has resulted or will result therefrom. All reports shall state the date of the disablement, the nature of the employer's business, the name, address, the age, sex, conjugal condition

of the person, the specific occupation of the person, the nature and character of the occupational disease, the length of disability, and, in case of death, the length of disability before death, the wages of the employee, whether compensation has been paid, to the employee, or to his legal representatives or his heirs or next of kin, the amount of compensation paid, the amount paid for physicians', surgeons' and hospital bills, and by whom paid, and the amount paid for funeral or burial expenses, if known. The making of reports as provided herein shall relieve the employer from making such reports to any other officer of the State.

SECTION 31. Every employer operating under the compensation provisions of this Act shall, under the rules and regulations prescribed by the industrial commission, post printed notices in their respective places of employment in such number and at such places as may be determined by the commission, containing such information relative to this Act as in the judgment of the commission may be necessary to aid employees to safeguard their rights under this Act.

SECTION 32. Any wilful neglect, refusal or failure to do the things required to be done by any section, clause, or provision of this Act, on the part of the persons herein required to do them, or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with any court officer, or any other person charged with the duty of administering or enforcing the provisions of this Act, shall be deemed a misdemeanor, punishable by a fine of not less than $10.00 nor more than $500.00, at the discretion of the court.

SECTION 33. "An Act to promote public health by protecting certain employees in this State from dangers of occupational diseases, and providing for the enforcement thereof," approved May 26, 1911, as amended, and section 4 of "An Act in relation to employments creating poisonous fumes or dusts in harmful quantities, and to provide for the enforcement thereof," approved June 29, 1915, are hereby repealed.

SECTION 34. No repeal of any Act or part thereof herein contained shall extinguish or in any way affect any right of action thereunder, existing at the time this Act takes effect; and no employer shall be liable for compensation or damages under this Act in any case in which the disablement on which claim is predicated shall have occurred prior to the date this Act becomes effective; *provided* that nothing in this section shall affect any case in which exposure as defined in this Act shall have taken place after the effective date of this Act.

SECTION 35. This Act shall take effect on October 1, 1936. APPROVED March 16, 1936.

DEPARTMENT OF LABOR—POWERS AND DUTIES.

§ 1. Amends section 44, Act of 1917. § 44. Department of Labor assumes duties of industrial board—Repeal.

(House Bill No. 12. Approved March 16, 1936.)

An Act *to amend section 44 of an Act in relation to the civil administration of the State government, and to repeal certain Acts therein named. (Approved March 7, 1917.)*

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Section 44 of "An Act in relation to the civil administration of the State Government, and to repeal certain Acts therein named," approved March 7, 1917, as amended, is amended to read as follows:

SECTION 44. The Department of Labor shall exercise and discharge the rights, powers and duties vested by law in the industrial board under an Act entitled, "An Act to promote the general welfare of the people of this State by providing compensation for accidental injuries or death suffered in the course of employment in this State; providing for the enforcement and administering thereof, and a penalty for its violation, and repealing an Act entitled, "An Act to promote the general welfare of the people of this State by providing compensation for accidental injuries or death suffered in the course of employment,' approved June 10, 1911, in force May 1, 1912," approved June 28, 1913, in force July 1, 1913, *and Health and Safety Act enacted by the Fifty-ninth General Assembly at the third special session, and Workmen's Occupational Diseases Act enacted by the Fifty-ninth General Assembly at the third special session,* or any future amendments thereto or modifications thereof.

Said *Acts* and all amendments thereto and modifications thereof, if any, shall be administered by the industrial commission created by this Act, and in its name, without any direction, supervision, or control by the Director of Labor.

The industrial commission shall also, in its name and without any direction, supervision or control by the *Director of Labor,* administer the arbitration and conciliation Act.

Approved March 16, 1936. (Smith-Hurd, p. 3071; Cahill, p. 785.)

TABLE OF COMPENSATION

To find the present value of any sum payable weekly, multiply that sum by the present value of $1 payable for the number of weeks for which such sum is payable.

EXAMPLE.—To find the present value of $7.20 payable at the end of each week for 100 weeks multiply $7.20 by the present value of $1 payable weekly for 100 weeks (shown in the tables to be $97.1833). $7.20×97.1833=$699.72, present value.

PRESENT VALUE TABLES

Present value at 3 per cent, compounded annually, at $1 per week, payable at the end of each week for any term from one week up to eight years.

No. of Weeks	Present Value	No. of Weeks	Present Value	No. of Weeks	Present Value	No. of Weeks	Present Value
1	$ 0.9994	46	$45.3909	91	$88.6612	136	$130.8388
2	1.9983	47	46.3645	92	89.6103	137	131.7638
3	2.9966	48	47.3376	93	90.5588	138	132.6884
4	3.9943	49	48.3101	94	91.5068	139	133.6124
5	4.9915	50	49.2821	95	92.4542	140	134.5359
6	5.9881	51	50.2536	96	93.4011	141	135.4589
7	6.9841	52	51.2244	97	94.3474	142	136.3814
8	7.9796	53	52.1947	98	95.2933	143	137.3033
9	8.9745	54	53.1645	99	96.2385	144	138.2247
10	9.9688	55	54.1337	100	97.1833	145	139.1456
11	10.9626	56	55.1024	101	98.1275	146	140.0659
12	11.9558	57	56.0705	102	99.0711	147	140.9858
13	12.9484	58	57.0381	103	100.0143	148	141.9051
14	13.9405	59	58.0051	104	100.9569	149	142.8239
15	14.9320	60	58.9716	105	101.8989	150	143.7421
16	15.9229	61	59.9375	106	102.8405	151	144.6599
17	16.9133	62	60.9029	107	103.7814	152	145.5771
18	17.9031	63	61.8677	108	104.7219	153	146.4938
19	18.8924	64	62.8320	109	105.6618	154	147.4100
20	19.8811	65	63.7957	110	106.6012	155	148.3257
21	20.8692	66	64.7589	111	107.5401	156	149.2408
22	21.8568	67	65.7215	112	108.4784	157	150.1554
23	22.8438	68	66.6836	113	109.4162	158	151.0695
24	23.8303	69	67.6451	114	110.3534	159	151.9831
25	24.8161	70	68.6061	115	111.2901	160	152.8962
26	25.8015	71	69.5666	116	112.2263	161	153.8087
27	26.7862	72	70.5265	117	113.1620	162	154.7207
28	27.7705	73	71.4858	118	114.0971	163	155.6323
29	28.7541	74	72.4446	119	115.0317	164	156.5432
30	29.7372	75	73.4029	120	115.9658	165	157.4537
31	30.7197	76	74.3606	121	116.8993	166	158.3637
32	31.7017	77	75.3178	122	117.8323	167	159.2731
33	32.6831	78	76.2744	123	118.7648	168	160.1820
34	33.6640	79	77.2305	124	119.6967	169	161.0904
35	34.6443	80	78.1860	125	120.6281	170	161.9983
36	35.6240	81	79.1410	126	121.5590	171	162.9057
37	36.6032	82	80.0955	127	122.4894	172	163.8125
38	37.5818	83	81.0494	128	123.4192	173	164.7189
39	38.5599	84	82.0028	129	124.3485	174	165.6247
40	39.5374	85	82.9556	130	125.2772	175	166.5300
41	40.5144	86	83.9079	131	126.2055	176	167.4348
42	41.4908	87	84.8596	132	127.1332	177	168.3391
43	42.4667	88	85.8109	133	128.0604	178	169.2429
44	43.4420	89	86.7615	134	128.9870	179	170.1461
45	44.4167	90	87.7116	135	129.9132	180	171.0489

No. of Weeks	Present Value	No. of Weeks	Present Value	No. of Weeks	Present Value	No. of Weeks	Present Value
181	$171.9511	240	$224.2850	299	$274.8928	358	$323.8315
182	172.8528	241	225.1569	300	275.7360	359	324.6469
183	173.7540	242	226.0284	301	276.5787	360	325.4618
184	174.6547	243	226.8994	302	277.4210	361	326.2763
185	175.5549	244	227.7699	303	278.2628	362	327.0903
186	176.4546	245	228.6399	304	279.1041	363	327.9039
187	177.3537	246	229.5094	305	279.9449	364	328.7169
188	178.2524	247	230.3784	306	280.7852	365	329.5296
189	179.1505	248	231.2469	307	281.6251	366	330.3417
190	180.0481	249	232.1149	308	282.4645	367	331.1534
191	180.9452	250	232.9825	309	283.3034	368	331.9647
192	181.8418	251	233.8495	310	284.1419	369	332.7755
193	182.7379	252	234.7160	311	284.9798	370	333.5858
194	183.6335	253	235.5821	312	285.8173	371	334.3957
195	184.5286	254	236.4476	313	286.6543	372	335.2051
196	185.4232	255	237.3127	314	287.4908	373	336.0140
197	186.3172	256	238.1773	315	288.3269	374	336.8225
198	187.2108	257	239.0414	316	289.1625	375	337.6305
199	188.1038	258	239.9049	317	289.9976	376	338.4381
200	188.9964	259	240.7680	318	290.8322	377	339.2452
201	189.8884	260	241.6307	319	291.6664	378	340.0518
202	190.7799	261	242.4928	320	292.5001	379	340.8580
203	191.6709	262	243.3544	321	293.3333	380	341.6637
204	192.5614	263	244.2155	322	294.1660	381	342.4690
205	193.4514	264	245.0763	323	294.9983	382	343.2738
206	194.3409	265	245.9364	324	295.8301	383	344.0782
207	195.2299	266	246.7960	325	296.6614	384	344.8821
208	196.1184	267	247.6552	326	297.4922	385	345.6855
209	197.0064	268	248.5139	327	298.3226	386	346.4885
210	197.8939	269	249.3721	328	299.1525	387	347.2911
211	198.7808	270	250.2298	329	299.9819	388	348.0931
212	199.6673	271	251.0871	330	300.8109	389	348.8947
213	200.5533	272	251.9438	331	301.6394	390	349.6959
214	201.4387	273	252.8001	332	302.4674	391	350.4966
215	202.3237	274	253.6558	333	303.2949	392	351.2969
216	203.2082	275	254.5111	334	304.1220	393	352.0967
217	204.0921	276	255.3659	335	304.9486	394	352.8960
218	204.9756	277	256.2202	336	305.7748	395	353.6949
219	205.8585	278	257.0741	337	306.6004	396	354.4933
220	206.7410	279	257.9274	338	307.4256	397	355.2913
221	207.6229	280	258.7803	339	308.2504	398	356.0888
222	208.5043	281	259.6326	340	309.0746	399	356.8859
223	209.3853	282	260.4845	341	309.8984	400	357.6825
224	210.2657	283	261.3359	342	310.7217	401	358.4787
225	211.1457	284	262.1868	343	311.5446	402	359.2744
226	212.0251	285	263.0373	344	312.3670	403	360.0697
227	212.9041	286	263.8872	345	313.1889	404	360.8645
228	213.7825	287	264.7367	346	314.0103	405	361 6589
229	214.6605	288	265.5857	347	314.8313	406	362.4528
230	215.5379	289	266.4342	348	315.6519	407	363.2462
231	216.4148	290	267.2822	349	316.4719	408	364.0392
232	217.2913	291	268.1298	350	317.2915	409	364.8318
233	218.1672	292	268.9768	351	318.1106	410	365.6239
234	219.0427	293	269.8234	352	318.9293	411	366.4156
235	219.9176	294	270.6695	353	319.7475	412	367.2068
236	220.7921	295	271.5151	354	320.5652	413	367.9975
237	221.6661	296	272.3603	355	321.3825	414	368.7878
238	222.5395	297	273.2049	356	322.1993	415	369.5777
239	223.4125	298	274.0491	357	323.0156	416	370.3671
						417	371.1561

Present value at 3 per cent, compounded annually, of $1 semi-monthly, payable at the end of each half month, for any term from one-half month up to eight years.

(For method of computation, see example given under weekly table.)

MONTHS	0 years	1 year and— months	2 years and— months	3 years and— months	4 years and— months	5 years and— months	6 years and— months	7 years and— months
One-half	.9978	24.6020	47.5272	69.7927	91.4194	112.4242	132.8254	152.6394
One	1.9962	25.5705	48.4676	70.7058	92.3060	113.2850	133.6611	153.4509
One and one-half	2.9925	26.5378	49.4068	71.6178	93.1915	114.1449	134.4961	154.2616
Two	3.9875	27.5040	50.3450	72.5288	94.0761	115.0038	135.3301	155.0714
Two and one-half	4.9812	28.4690	51.2821	73.4388	94.9597	115.8619	136.1633	155.8805
Three	5.9738	29.4329	52.2172	74.3477	95.8423	116.7190	136.9956	156.6887
Three and one-half	6.9651	30.3956	53.1520	75.2556	96.7240	117.5752	137.8270	157.4961
Four	7.9552	31.3517	54.0858	76.1624	97.6047	118.4305	138.6576	158.3027
Four and one-half	8.9441	32.3175	55.0186	77.0683	98.4844	119.2848	139.4873	159.1085
Five	9.9317	33.2767	55.9502	77.9731	99.3631	120.1383	140.3162	159.9134
Five and one-half	10.9182	34.2348	56.8807	78.8769	100.2409	120.9908	141.1444	160.7176
Six	11.9034	35.1917	57.8102	79.7796	101.1177	121.8425	141.9713	161.5210
Six and one-half	12.8874	36.1475	58.7385	80.6814	101.9936	122.6932	142.7976	162.3235
Seven	13.8702	37.1022	59.6658	81.5821	102.8685	123.5430	143.6231	163.1252
Seven and one-half	14.8517	38.0557	60.5921	82.4818	103.7424	124.3920	144.4477	163.9262
Eight	15.8321	39.0081	61.5172	83.3806	104.6154	125.2400	145.2714	164.7263
Eight and one-half	16.8113	39.9593	62.4413	84.2783	105.4875	126.0871	146.0943	165.5257
Nine	17.7893	40.9094	63.3643	85.1750	106.3585	126.9334	146.9163	166.3242
Nine and one-half	18.7661	41.8584	64.2863	86.0706	107.2287	127.7787	147.7375	167.1219
Ten	19.7417	42.8063	65.2071	86.9653	108.0979	128.6231	148.5579	167.9189
Ten and one-half	20.7161	43.7530	66.1270	87.8590	108.9661	129.4667	149.3774	168.7150
Eleven	21.6894	44.6986	67.0457	88.7517	109.8334	130.2094	150.1961	169.5104
Eleven and one-half	22.6614	45.6431	67.9635	89.6434	110.6998	131.1512	151.0139	170.3050
Twelve	23.6323	46.5857	68.8786	90.5319	111.5625	131.9887	151.8271	171.0944

INDEX

(EXPLANATORY: References in this index are to sections, paragraphs and pages. The letters in parentheses refer to paragraphs under sections. Numbers under "Section" refer to sections of the Act. Numbers under "Page" refer to the pages where the substance contained in the index notation may be found, although the section may have started on a prior page.)

A

	Section	Page
ACTION		
against third parties, where legal liability	29	41
option to proceed under act or at law	29	41
ADDITIONAL EVIDENCE		
may be heard on review before commission (e)	19	30
ADDRESSES		
name and address to be filed with commission (i)	19	35
praecipe shall contain address of parties in interest	19	33
ADMINISTRATOR		
appointment in cases indicating complete disability	9	23
employer may petition for appointment of public administrator.. (See Personal Representative)	9	23
AGREED STATEMENT OF FACTS		
of proceedings on arbitration; filing; extension of time (b)		31
of proceedings on review; filing; extension of time (e)		31
ALIENS		
construed as employees	5	8
AMPUTATION		
prior injury, amount to be deducted (e) 17½	8	17
previous employer not liable for (e) 18	8	17
ANNUAL REPORT		
commission to report to Governor	20	36
APPEAL		
additional evidence (e)	19	31
oral argument (e)	19	32
petition to review arbitrator's award; time for (b)	19	30
place of hearing on review (e)	19	31
to circuit court (f)	19	32
transcript of evidence or agreed statement of facts; time for (b)	19	30
APPEAL BOND (See Bond.)		
APPEARANCES		
name and address to be filed with commmission (i)	19	35
APPLICATION FOR ADJUSTMENT OF CLAIM		
designation of arbitrator; committee of arbitration (a)	19	29
must be filed with commission	24	37
payments before filing not admission of liability (i)	8	20
when state treasurer, as custodian of special fund, shall be made party (f)	8	18
must state certain facts	19	
may refile under proper act (f)	19	
ARBITRATION		
appeal; agreed statement of facts; transcript of evidence; authentication; extension of time (b)	19	30
Cost of transcript of evidence	16	27
scope; where held; time; notice (b)	19	30
ARBITRATORS		
duties (b)	19	30
entry of award where no dispute exists	9	23
how designated (a)	19	29
may enter award when temporary disability not terminated (b)..	19	30

INDEX—Continued.

	Section	Page
power to administer oaths, subpoena and examine witnesses, issue subpoenas duces tecum, examine and inspect premises..	16	27
salary; traveling expenses	14	26
ARGUMENT		
may be had before majority of commission upon written demand; commission to give notice (e)	19	31
ARM		
artificial, employer to furnish (a)	8	14
loss or loss of use of (e)	8	16
ARTIFICIAL LIMBS AND APPLIANCES		
employer shall furnish (a)	8	14
not to be construed as admitting liability or as payment of compensation	8	14
ASSISTANT SECRETARY		
duties	14	27
ASSURING PAYMENT		
methods for	26	38
ATTORNEY GENERAL		
duty to prosecute employer or insurer (d)	26	40
ATTACHMENT (See Lien.)		
ATTORNEY'S FEES		
commission may determine reasonableness and fix amount of	16	28
shall be paid in subrogation suit	29	42
taxed as costs upon entry of judgment in circuit court (g)	19	34
AUTOPSY		
may be ordered by commission	11	24
notice must be given interested parties	11	25
report of pathologist to be filed with commission	11	25
admissibility of report as evidence	11	25
AWARD		
application for judgment on (g)	19	34
certified copies furnished by secretary	14	27
conclusive in absence of fraud (b)	19	31
correction of clerical errors of computation (f)	19	32
decision of arbitrator; final if not reviewed (b)	19	31
for purpose of lump sum, where no dispute exists	9	23
for total disability, when terminated or reduced, employee may file petition within one year (f)	8	18
lien when filed with recorder of deeds	21	36
may be modified when ordered paid parent or grandparent for support of child (g)	7	12
payments for complete disability out of special fund (f)	8	19
review of; additional evidence; time for; notice, etc. (b)	19	30
where temporary disability not terminated (b)	19	30
B		
BENEFICIARY		
in pension fund limited to excess of compensation	5	8
right to receive compensation extinguished by death of; exceptions	21	36
BENEFIT INSURANCE		
employer collecting premiums for, compensation insurance void (c)	27	41
not affected by (a)	27	40
penalty for (c)	27	41
BENEFIT INSURANCE COMPANY		
not authorized to discontinue (b)	27	41
organization lawful when (a)	27	40
BENEFIT OR RELIEF ASSOCIATIONS		
organization lawful when (a)	27	40
BLANK FORMS		
commission shall have printed and furnished free of charge	17	28

INDEX—Continued.

	Section	Page
BLIND		
totally blind persons excepted from term "employee"	5	8
BOND		
amount to be fixed by commission (f)	19	33
for appeal to circuit court (f)	19	33
surety to be approved by clerk of circuit court (f)	19	33
to operate as stay of judgment (f)	19	34
BOOKS, PAPERS AND RECORDS		
commission or arbitrator may require production of and examine and inspect	16	27
BROTHER (See Collateral Heirs.)		
BULLETINS		
commission may issue bulletins and reports	20	36
BURIAL EXPENSES		
accident report shall contain statement of	30	42
proceedings for collection of (e)	7	11
special fund in addition to (e)	7	11
when commission may order paid (e)	7	11
when payable (e)	7	11
C		
CERTIFIED COPY		
admissible in evidence	14	27
of award ordering payments for complete disability out of special fund (f)	8	19
of award ordering payment into special fund (e)	7	10
of decision of commission or award of arbitrator for purpose of judgment in circuit court (g)	19	35
of decision or agreement may be filed with recorder of deeds	21	36
of records, files, etc., to be furnished by secretary	14	26
CERTIORARI, WRIT OF		
commission not required to certify record unless payment of cost deposited (f)	19	32
how service is had, bond, fee for certifying, parties in interest; how served (f)	19	32
no writ issued unless receipt showing payment for record (f)	19	32
to circuit court (f)	19	32
CHARITABLE INSTITUTIONS		
construed as employer	5	7
CHILD OR CHILDREN		
adopted (j)	8	20
beneficiary in death case, legal obligation to support (a)	7	9
beneficiary in death case, totally dependent (b)	7	9
beneficiary in death case, partially dependent (c)	7	9
compensation in death case may be awarded to parent or grandparent for child's support; award may be modified (g)	7	12
compensation rate increased where children under 16 (h); illegally employed, compensation increased 50% (i)	7	13
illegally employed, compensation increased 50% (k)	8	21
maximum and minimum increased in death cases (h)	7	12
of member fire department or fire insurance patrol	5	8
payments to cease at age of 18 years (a)	7	9
when amount payable shall not be less than $500 (g)	8	20
CIRCUIT COURT		
certified copy of award may be presented to and judgment entered (g)	19	34
duty of clerk to furnish commission with copy of decisions (f)	19	33
fees for record to; bond for appeal to	19	33
power to review law and fact	19	31
witness fees to be same as in	16	27
writ of certiorari to (f)	19	32
writ of scire facias (f)	19	33
CITIES AND VILLAGES		
construed as employer	5	7
official of is not employee	5	8

INDEX—Continued.

	Section	Page
CLAIM FOR COMPENSATION		
barred unless application filed with commission	24	37
for death barred where lump sum settlement in lifetime of employee on any question other than extent of disability	9	23
in case of incompetent employee, limitations stayed until appointment of conservator or guardian (h)	8	20
within six months after accident	24	37
CLERICAL ERRORS		
in award or decision may be corrected (f)	19	32
COLLATERAL HEIRS		
beneficiaries in death case (d)	7	10
right to compensation of sister or brother upon death of beneficiary	21	36
COMMON LAW ACTIONS		
barred if there is right to compensation (e)	4	7
COMPENSATION		
additional for vexatious delay (k)	19	36
aggregate death benefit increased 10% (k)	7	13
claim for, statute of limitations	24	37
complete disability (f)	8	18-19
complete disability, payment in lump sum limitation	9	23
computation basis	10	23
computation day labor full year (a)	10	23
computation same employer same grade (b)	10	23
computation earnings of other employees (c)	10	24
computation earnings based on 300 days (d)	10	24
computation earnings less than full year with minimum of 200 days (e)	10	24
computation earning no wage or less than adult day laborers (f)	10	24
computation earnings hours commonly regarded as day's work (g)	10	24
computation not include overtime or special expense (g)	10	24
computation where employee was injured and drawing compensation for subsequent disablement	10	24
computation installments based on number installment periods per annum (i)	10	24
death of beneficiary, extinguishment of right to	21	36
fatal disablement distribution order necessary (g)	7	12
fatal disablement leaving collateral heirs (d)	7	10
fatal disablement leaving no widow or heirs (e) payment to special fund	7	10-11
fatal disablement, leaving widow and children (a)	7	9
fatal disablement leaving parent, husband, child or children (b)	7	9
fatal disablement leaving parent, child or children, grandparent or grandchildren (c)	7	10
fatal disablement, increased on account of children (h)	7	12-13
fatal disablement, minimum, maximum on account of children	7	12-13
fatal disablement, child's share paid for care and support g)	7	12
fatal disablement, payment to personal representative or beneficiary	7	12
fatal disablement, payment installments, amounts, time (f)	7	11-12
occupational disease resulting in death during payments (g)	8	20
in death cases may be paid in lump sum (f)	7	11-12
limitation in case of complete disability (h)	8	20
loss of two members constitutes complete disability (e-18)	8	17
payments not to extend over eight years; exception (h)	8	20
payments prior to filing claim not construed as liability (i)	8	20
permanent partial incapacity (d)	8	15
payments diminished, ended, increased and re-established review (h)	19	35
payments, to be made not later than two weeks after due (i)	8	20
permanent disfigurement (c)	8	15
review, time (b)	19	30
review limitation	19	31
review, extension of time granted	19	31
review, additional evidence	19	31
review hearings, where held	19	31
review, special findings	19	31
right to receive extinguished by death; exceptions	21	35
specific loss or loss of use of thumb, finger or fingers, toe or toes, hand, arm, foot, leg, eye or sight thereof, hearing, testicle (e)	8	16-17-18

INDEX—Continued.

	Section	Page
specific partial loss or partial loss of use (e)	8	16-17
suspension for injurious practices and refusal to submit to essential treatment (d)	19	31
suspension for refusal to submit to physical examination	12	25
to be paid at same intervals as wages (i)	8	20
COMPLETE DISABILITY		
administrator may be appointed in cases indicating	9	23
award for may be modified (f)	8	18
compensation payable for (f)	8	18-19
loss of two members to constitute total and permanent disability (e-18)	8	17
pension (f)	8	18-19-20
review of award for (h)	19	35
CONSERVATOR		
in case employee is incompetent (h)	8	20
in case dependents of deceased employee are incompetent	24	37
may be appointed in cases indicating complete disability	9	23
when employer may petition for appointment of	9	23
CONTRACT		
contract or agreement entered into within seven days of injury presumed to be frauduent	22	37
CONTRIBUTION		
of beneficiary in death case to parent, sister or brother	21	36
COUNTIES		
construed as employer	5	7
employee or beneficiary entitled to participate in pension or benefit fund in excess of compensation only	5	8
official of is not an employee	5	8
COUNTY COURT		
shall compel obedience to subpoenas	16	27-28
COURT		
duty of clerk of any court to furnish commission with copy of decisions (f)	19	34
COVERAGE		
policy of insurance shall cover all employees and all compensation liability (a)	26	38
occupational diseases covered	6	8-9
D		
DAMAGES		
election relieves employer	4	6
employer not electing to come under act not relieved from liability for	3	5
liability for on part of third person	29	41
no payment, claim, award or decision under act to be held liable for	21	36
other than compensation, no common law or statutory right to recover damages from employer available to employee covered by act (e)	4	7
DAY'S WORK		
defined (g)	10	24
DEATH		
balance for specific loss payable to widow or dependents (e)	8	17-18
compensation payable for death	7	9
compensation may be paid in lump sum (f)	7	11
right to compensation extinguished by	21	36
when amount payable shall not be less than $500 (g)	8	20
DECLINATION, NOTICE		
recording with commission	17	28
withdrawal of	17	28
DEDIMUS POTESTATEM (See Depositions.)		

INDEX—Continued.

	Section	Page
DELAY		
more than two weeks considered unreasonable (l)	8	20
unreasonable or vexatious in payment of compensation, fifty per cent penalty (k)	19	36
DEPENDENCY		
in death cases (b), (c), (d)	7	9-10
upon death of beneficiary	21	36
DEPENDENTS		
appointment of conservator or guardian when mentally incompetent	24	37
balance for specific loss payable to if injured employee dies (e)	8	18
limitations of time not to run in case of mental incapacity; exception	24	37
DEPOSITIONS		
application for	16	27
commission may adopt rules governing	16	27
dedimus potestatem	16	27-28
foreign country, to be taken before American consul	16	27
DISABILITY		
appointment of legal representatives	9	23
apportionment when drawing compensation and suffers subsequent injury (h)	10	34
compensation, review, notice (h)	19	35
complete, award for, when payments shall cease or be reduced (f)	8	18
complete, compensation payable for (f)	8	18-19
complete, when award for terminated or reduced, employee may file petition within one year (f)	8	19
notice of accident given in case of	24	37
definition of	5	8
time limit for disablement	5	8
DISFIGUREMENT		
to hand, head or face, compensation payable for (c)	8	15
DISPUTE		
committee of arbitration (a)	19	29
designation of arbitrator (a)	19	29
disputed questions of law and fact, how determined (a)	19	29
review by commission (e)	19	31
DISTRIBUTION		
in fatal cases, subject to order of commission (g)	7	12
E		
EARNINGS		
basis for computing compensation	10	23
defined (g)	10	24
overtime excluded (g)	10	24
ELECTION BY EMPLOYEE		
accepts provisions of act when employer elects to come under (c)	4	6
employee's election not to accept act by filing notice with industrial commission (d)	4	7
withdrawal from operation of act by filling notice with industrial commission, (employer)	4	6
ELECTION BY EMPLOYER		
brings all employees under (d)	4	7
how employer may terminate election; notice to commission, posting notice, etc.	4	6
thereby relieved from liability for damages	4	6
withdrawal of election to reject act (c)	4	6
EMPLOYEE		
blind persons excepted	5	8
defined	5	7

INDEX—Continued.

	Section	Page
no limitations of time shall run while mentally incompetent (h)	8	20
not to include persons not engaged in usual course of trade, business, etc., of employer	5	8
(See Elections by Employee.)		
EMPLOYER		
defined	5	7
measure of responsibility if elects	4	6
not liable for disability from previous accident (e-18)	8	17
(See Election by Employer.)		
EMPLOYER'S INSURANCE		
approval notice (a), (b)	26	38-39
existing continued, condition	27	40
right of commission to order discontinuance of writing compensation insurance (c)	26	39
EMPLOYMENT		
children illegally employed, compensation increased 50% (i)	7	13
children illegally employed, compensation increased 50% (k)	8	21
EMPLOYMENT BY SAME EMPLOYER		
defined (b)	10	23
EVIDENCE		
additional may be offered on review (e)	19	31
agreed statement of facts (e)	19	32
books and papers, inspection of	16	28
hospital records admissible	16	28
only competent evidence, not subject to mental or physical control of employee, admissible (l)	8	20
premises, inspection of	16	28
records certified by secretary admissible	14	27
transcript of evidence	19	31
EXAMINATION (See Physical Examination.)		
EXECUTION (See Lien.)		
EXISTING RIGHTS AND REMEDIES		
continued	34	43
EXPIRATION OF INSURANCE		
cannot discontinue insurance without discharging obligation (b)	27	41
policy in effect until 30 days after notice to commission of cancellation or expiration (b)	26	39
EYE		
artificial, employer to furnish (a)	8	14
loss of sight or loss of use of (e)	8	17
F		
FACE		
disfigurement to, serious and permanent (c)	8	15
FARMERS AND FARM WORK		
excluded from operation of act	5	7
FATAL DISABLEMENT (See Death.)		
FEES		
commission has power to determine reasonableness and fix amount of fee charged by any person for service under act	16	28
of members of committee of arbitration	19	29
of physician appointed by commission	19	31
FINANCIAL ABILITY		
evidence of furnished by employer (a)	26	38
filed with commission (b)	26	39
subject to approval of commission (b)	26	39
FINANCIAL STATEMENT		
approval by commission	26	39
filing with commission	26	38

INDEX—Continued.

	Section	Page
FINGERS		
disfigurement, serious and permanent (c)	8	15
loss or loss of use of (e)	8	16
FIRE DEPARTMENTS		
when act does not apply to members of	5	8
FIRE INSURANCE PATROL		
when act does not apply to members of	5	8
FIRST AID		
employer shall provide (a)	8	14
not to be construed as payment of compensation (a)	8	14
FOOT		
artificial, employer to furnish (a)	8	14
loss or loss of use of (e)	8	16
FOREIGN BENEFICIARIES		
payments to be made to personal representative (j)	7	13
FORMS (See Blank Forms.)		
FRAUD		
contract within seven days after injury presumed frauduent	22	37
in absence of, decision of commission conclusive (f)	19	32
FUND (See Special Fund.)		
G		
GARNISHMENT (See Lien.)		
GRANDCHILD		
beneficiary in death cases (d)	7	10
GRANDPARENT		
beneficiary in death cases (d)	7	10
compensation may be awarded to for child's support; award may be modified (g)	7	12
when amount payable shall not be less than $500 (g)	8	20
GUARDIAN		
in case employee is mentally incompetent (h)	8	20
in case dependents of deceased employee are mentally incompetent	24	37
may be appointed in cases indicating complete disability	9	23
when employer may petition for appointment of	9	23
H		
HAND		
artificial, employer to furnish (a)	8	14
disfigurement, serious and permanent (c)	8	15
loss or loss of use of (e)	8	16
HEAD		
disfigurement of, serious and permanent (c)	8	15
HEARING		
Total loss of, one ear; both ears (e)	8	17
HEARINGS		
arbitration; time; place; notice (a) (b)	19	29-30-31
review; time; place; notice (e)	19	31
review, argument before majority of commission (e)	19	31
when state treasurer shall have notice of (f)	8	19
HEIRS		
lineal (g)	8	20
(See Collateral Heirs.)		
HOSPITAL RECORDS		
admissible in evidence	16	28

INDEX—Continued.

	Section	Page
HOSPITALS		
construed as employer	5	7
employer shall provide necessary services; employee may secure at his own expense (a)	8	14
fees for services may be fixed by commission	16	28
report shall contain statement of charges	30	42-43
HOSPITAL SERVICES		
furnishing of not to be construed as payment of compensation (a)	8	14
refusal to submit to treatment; penalty (d)	19	31
(See Hospitals)		
I		
INCOMPETENT EMPLOYEE		
conservator, appointment of (h)	8	20
guardian, appointment of (h)	8	20
notice in case of mental incapacity	24	37
statute of limitations (h)	8	20
INDEMNITY—BOND		
approval (b)	26	39
demand (a-5)	26	39
disapproval by commission (a-1)	26	38
file with commission (a-5)	26	39
notice to employer of disapproval (b)	26	39
requisites (b)	26	39
INDUSTRIAL COMMISSION		
destruction of records and files	17	29
jurisdiction	15	27
jurisdiction, disputed questions	19	29
jurisdiction, quorum (f)	19	32
jurisdiction, unsettled questions	18	29
members, traveling expenses	14	26
rejection of act by employee; notice of employer (d)	4	7
seal, form	14	27
INSPECTION		
books, papers, records, places, premises	16	28
INSURANCE		
approved by commission (b)	26	39
business discontinued (c)	26	39
certificate to be filed with commission within five days (b)	26	39
delay, unfairness (c)	26	39
employer to insure	26	38
failure of employer to comply (d)	26	40
file evidence of compliance	26	39
insurer cannot discontinue (b)	27	41
insurance separate from workmen's compensation	26	39
insurer insolvent (c)	26	39
organization of companies and associations for voluntary mutual aid, benefit relief, lawful (a)	27	40
penalty (d)	27	40
policy in effect until thirty days after notice to commission of cancellation or expiration (b)		39
reciprocal or interinsurers exchange (c)	26	39
review by court (c)	26	39
shall cover entire compensation liability for occupational disease	26	39
shall not affect existing insurance	26	41
wages withheld for premium; penalty (c)	27	41
INSURANCE CARRIER		
may be made party to proceeding	27	41
when becomes primarily liable	28	41
INTEREST		
commutation tables		45-46-47
how calculated on lump sum payments	9	23
INVESTIGATION		
arbitrator, scope (b)	19	30

INDEX—Continued.

	Section	Page
J		
JUDGMENT		
cost and attorney fees to be taxed (g)	19	34
filing bond shall prevent entry of (f)	19	34
not subject to lien	21	36
on award, how obtained in circuit court (g)	19	34
state treasurer to take for payment into special fund (e)	7	10-11
when amount in excess of compensation to be paid to employee	29	41
JURISDICTION		
commission shall have jurisdiction over operation and administration of act	15	27
industrial commission, disputed questions	19	29
judgment modification by circuit court (g)	19	34
of circuit court to render judgment (g)	19	34
L		
LAW		
saving clause	34	43
name of act	1	5
penalties	32	43
questions of reviewed by court (f)	19	33
repeals act of June 10, 1911	33	43
wilful neglect, refusal or failure to do things required	32	43
LEG		
artificial, employer to furnish (a)	8	14
loss or loss of use of (e)	8	17
LEGAL REPRESENTATVE		
appointment in case of disability	9	23
personal representative of deceased employee, appointment of (g)	7	12
statute not to run until appointment of (h)	8	20
(See Personal Representative, and Conservator.)		
LIABILITY		
payments prior to filing claim not construed as (i)	8	20
LIEN		
decision or award may be filed with recorder of deeds and shall constitute lien against all property of employer in county; how enforced	21	36
no payment, claim, award, or decision assignable or subject to lien, attachment or garnishment	21	36
LIMITATIONS		
compensation (fatal), amount, minimum, maximum	7	12-13
compensation (non-fatal), amount, minimum, maximum	8	20
compensation, minimum, death of beneficiary during payment of (g)	8	20
compensation payments not to exceed over eight years; exception (h)	8	20
in case employee is mentally incompetent (h)	8	20
not to apply to special fund (e)	7	10-11
statute of limitations	24	37
LOSS OF		
compensation paid for loss of arm, hand, thumb, finger or fingers, leg, foot, toe or toes, eye or eyes or sight thereof, hearing, testicle (see Compensation)	8	16-17-18
LUMP SUM SETTLEMENT		
award may be made as basis for, where no dispute exists	9	23
compensation may be paid in; notice to parties	9	23
commutation, how made	9	23
commutation tables		45-46-47
in cases indicating complete disability; appointment of guardian, conservator or administrator	9	23
may be made in death cases (f)	7	11
payment in lifetime bar to death claim unless lump sum is a compromise of dispute of question other than extent of disability	9	23
when award or settlement contract paid in lump sum review under Sec. 19, par. (h), barred	19	35

INDEX—Continued.

	Section	Page
M		
MAJORITY		
argument before (e)	19	30
committee of arbitration	19	29
members of commission (e)	19	30
MEDICAL SERVICES		
artificial members furnished (a)	8	14
employer to provide (a)	8	14
employee may secure at his own expense (a)	8	14
first aid (a)	8	14
furnishing of by employer not to be construed as payment of compensation (a)	8	14
refusal to submit to treatment; penalty (d)	19	30
MENTAL INCOMPETENTS		
employee (h)	8	20
dependents of deceased employee	24	37
MINORS		
computing earnings (f)	10	24
death beneficiary, by parent or grandparent, may compromise disputes and enter into settlement	23	37
included in term "employee"	5	7
illegally employed, compensation increased 50% (i)	7	13
illegally employed, compensation increased 50% (k)	8	21
power to contract, receive payments and give quittances	5	8
(See Child or Children.)		
MISDEMEANOR		
failure to comply with provisions relating to insurance and liability to pay compensation (d)	26	40
neglect, refusal or failure to comply with act or violation of its provisions	32	43
withholding wages for payment of premium (c)	27	41
MUNICIPAL CORPORATION		
construed as employer	5	7
employee or beneficiary entitled to participate in pension or benefit fund in excess of compensation only	5	8
official of is not an employee	5	8
MUTUAL AID ASSOCIATION		
organization lawful	27	40
will not affect compensation insurance	27	41
MUTUAL AID INSURANCE		
existing continued, condition	27	41
N		
NEGLIGENCE		
legal liability of third parties for	29	41
proximate cause test of liability	29	41
defined	3	5
NON-ELECTION (See Election by Employer; Election by Employee.)		
NON-FATAL DISABILITY (See Compensation.)		
NOTICE		
address, filing (i)	19	35
appeal, circuit court, mailing of (f)	19	32
approval of security (b)	26	39
arbitration, duty of commission to notify parties (a)	19	29
declination, recording	17	28
discontinuance of election, filing (d)	4	7
election to adopt act, filing (c)	4	6
posting	4	6
employer's withdrawal (c)	4	6
hearing on arbitration, requisites (b)	19	30
paying compensation in lump sum, requisites	9	23
service, filing address (i)	19	35
service, personal or by registered letter (i)	19	35

INDEX—Continued.

	Section	Page
withdrawal from operation of act by employee, filing and mailing (d)	4	7
withdrawal from operation of act by employee, recording	17	28
withdrawal from operation of act by employer, filing and posting (c)	4	6
withdrawal of election to reject (c)	4	6
NOTICE OF DISABLEMENT		
defective or inaccurate, effect	24	37
notice to employer	24	37
mental incapacity, notice to employer	24	37
requisites of notice, oral or in writing	24	37
NOTICE OF HEARING		
before arbitrator, ten days (b)	19	30
before commission on review, ten days (e)	19	31
on review of agreement or award, fifteen days (h)	19	35
state treasurer to have notice when joined as respondent (f)	8	18
O		
OATHS		
members of commission or arbitrator may administer	16	27
OBJECTIVE SYMPTOMS		
disease must be proven by (i-3)	8	20
OCCUPATIONAL DISEASES		
action, right of	3	5
compensation limited to	6	9
disablement defined	5	8
no common law remedy	4	7
notice; demand	24	37
only remedy	3	5
ORAL ARGUMENT (See Argument.)		
ORDERS		
paying compensation in lump sum	9	23
recording	17	28
to carry out the commission's legal duties, power to make	16	27
validity	16	27
P		
PARENT		
beneficiary in death case, totally dependent (b)	7	9
beneficiary in death case, partially dependent (c)	7	10
compensation may be awarded to for child's support; award may be modified (g)	7	12
right to compensation upon death of beneficiary	21	36
when amount payable shall not be less than $500 (g)	8	20
PARTIAL PERMANENT INCAPACITY		
compensation payable for (d)	8	15
limitations as to time and amount (h)	8	20
PAYMENTS		
accordance with order or award shall discharge employer of further obligation (g)	7	12
additional for vexatious delay or intentional under-payment (k)	19	36
complete disability—lump sum—limitations	9	23
death during (g)	8	20
disability diminishing (h)	19	35
disability ending (h)	19	35
disability increasing (h)	19	35
fatal (g)	8	20
installments—fatal (f)	7	11
installments—non-fatal (l)	8	20
installments (non-fatal) increased 10% (l)	8	21
installments (fatal) increased 10% (l)	8	21
insuring payment	26	38
into State fund for compensation under section 8, paragraph (e) sub-section 18 (e)	7	11

INDEX—Continued.

	Section	Page
into Special Fund, $225, in every case of loss or permanent loss of use of one member or one eye (20)	8	18
into Special Fund reduced beginning July 1, 1941 (20)	8	18
lump sum	9	23
lump sum practice	9	23
of compensation to be made not later than two weeks after due (i)	8	20
out of State fund created through section (7) par. (e); (f)	8	18
re-establishing (h)	19	35
re-apportionment, modification to conform to (f)	8	18
PENALTIES		
for failure to comply with provisions relating to insurance and liability to pay compensation (d)	26	40
for unreasonable delay in payment, etc. (k)	19	36
neglect, refusal or failure to comply with act or violation or its provisions	32	43
suspension of compensation for injurious practices, refusal to submit to essential treatment (d)	19	31
suspension of compensation for refusal to submit to physical examination	12	26
withholding wages for payment of premium (c)	27	41
PENSION		
for complete disability (f)	8	18
for total permanent disability (e)	8	17
pension fund, excess of compensation	5	8
PERSONAL REPRESENTATIVE		
payments shall be made to where foreign beneficiaries in death cases (g)	7	12
PETITION		
compensation for fatal injury, payment in lump sum	9	23
compensation, review (h)	19	35
paying compensation in lump sum for complete disability	9	23
petition to suspend, insanitary practices (d)	19	31
review by commission (e)	19	31
PHALANGE		
loss of one or more (6), (7), (10), (11), (e)	8	16
PHYSICAL EXAMINATION		
commission may order; fee for (c)	19	31
copy of report to be delivered to employee	12	25
employee required to submit to; penalty	12	25
employee may have own physician present	12	25
employer to advance money for traveling expenses and meals and pay for loss of working time	12	25
no examination on day of hearing	12	25
surgeon for employee to deliver copy of report to employer	12	26
surgeon for employer to deliver copy of report to employee	12	26
surgeon's duty when employee likely to die	12	26
PHYSICIANS		
accident report shall contain statement of charges	30	42-43
commission may appoint; fee and traveling expenses (c)	19	31
commission may determine reasonableness and fix amount of fee	16	27
examinations by	12	25-26
not permitted to testify when report of examination not furnished employee	12	25
(See Physical Examination.)		
PREMISES		
member of commission or arbitrator may examine and inspect	16	27
PREVIOUS ACCIDENT		
employer not liable for (e)	8	17
amputation in, amount to be deducted (e)	8	17
PROCEDURE		
commission has power to make rules and orders	16	27
county court may punish for contempt	16	28
examine books, papers, documents, etc	16	28
inspect premises	16	28

INDEX—Continued.

	Section	Page
power to issue dediums potestatem and to adopt rules to govern issue of	16	27
rules deemed prima facie reasonable and valid	16	27
simple and summary	16	27
trial de novo (e)	19	32
PROCESS		
issue subpoenas; subpoenas duces tecum	16	27
service same as in cases at law	16	27
simple and summary as reasonably may be	16	27
PROXIMATE CAUSE		
liability of third person operating under act	29	41
liability of third person not operating under act	29	41
when employee may bring action	29	42
when employer may bring action	29	42
PUBLIC ADMINISTRATOR (See Administrator.)		
R		
RECEIPT		
showing payment of probable cost of record, to be exhibited to clerk of circuit court (f)	19	33
written claim for compensation after receipt filed with commission	24	37
RECORDS		
awards, orders and proceedings, commission to keep record in its office	17	28
commission may destroy	17	29
secretary or assistant secretary to have custody of and furnish certified copies	14	27
REJECTION OF ACT		
employer and employee, notice, filing, posting, etc	4	6-7
recording	17	28
withdrawal notice	4	6
RELEASE		
compensation paid to personal representative, effect of (g)	7	12
contract made within seven days of injury invalid	22	37
payment of compensation in accordance with order or award of commission discharges employer from further obligation (g)	7	12
right to compensation extinguished; when	21	36
RELIEF BENEFIT		
contracts for invalid	27	40
REMANDING ORDER		
circuit court may remand cause to commission (f)	19	33
REPEAL		
Occupational Diseases Act, 1911	33	43
REPORTS		
disablement, making, requisites	30	42
annual report to Governor, making and requisites	20	36
REPORTS TO COMMISSION		
duty of employer to make when disability entails loss of more than one week's time	30	42
need not report to any other officer of State	30	43
requisites of notice	30	42
to be made immediately in death cases	30	43
REVIEW		
award of arbitrator may be reviewed (e)	19	31
agreement or award may be reviewed on ground disability has subsequently recurred, increased, diminished or ended, except when paid in lump sum (h)	19	35
commission shall review questions of law and fact (e)	19	31
reapportion, modify or stop (f)	8	18
review by circuit court, writ of certiorari (f)	19	33
review by supreme court, writ of error (f)	19	34

INDEX—Continued.

	Section	Page
RULES		
commission shall make	16	27
printed notice of	31	43
S		
SCHEDULE		
compensation for fatal disablement	7	9-10-11 12-13-14
compensation for nonfatal disablement	8	14-15-16 17-18-19-20-21-22
SCHOOL DISTRICT		
construed as employer	5	7
employee or beneficiary entitled to participate in pension or benefit fund in excess of compensation only	5	8
official of is not an employee	5	8
SCIRE FACIAS, WRIT OF		
shall be issued by clerk of circuit court (f)	19	33
how service is had	19	33
SEAL		
industrial commission, requirements	14	26
SECURITY		
approval by commission (b)	26	39
employer shall furnish	26	38
failure or neglect of employer; penalty (d)	26	40
insolvent insurance company, association, aggregation of individuals, commission's duty to act (c)	26	39
insurance carrier cannot discontinue without discharging obligation (b)	27	41
SECURITY SUPERVISOR		
duties	14	27
SERVICE		
filing (i)	19	35
personal or by registered letter (i)	19	35
SETTING CASES		
hearings, notice, time, place of arbitration (b)	19	30
hearings, review, notice, time, place (e)	19	31
SETTLEMENT		
failure to reach, notification (a)	19	29
lump sums	9	23
made within seven days of injury presumed fraudulent	22	37
settlement contract or award paid in a lump sum not reviewable (h)	19	35
void unless approved by the commission	23	37
SISTER		
(See Collateral Heirs.)		
SPECIAL FINDINGS		
commission may make (e)	19	31
SPECIAL FUND		
in addition to burial expenses (e)	7	10
how disbursed (f)	8	18
refund to employer from	7	10
state treasurer shall be custodian of	7	10
SPECIFIC LOSS		
if injured employee dies, balance of compensation to beneficiary (e)	8	17
or loss of use of any member (e)	8	17
STATE		
construed as employer	5	7
contractor with not to be considered employee	5	8
employee or beneficiary entitled to participate in pension or benefit fund in excess of compensation only	5	8
official of is not an employee	5	8

INDEX—Continued.

	Section	Page
STATE TREASURER		
as custodian of special fund shall be made party respondent and receive notices of hearing (f)	8	19
custodian of special fund (e)	7	10
may institute proceeding for payment in special fund	7	11
shall be made party to all claims of disputed dependency (e)	7	11
shall be made party to all proceedings involving claim for loss or loss of use of one member or one eye (e)	7	10-11
STATUTE OF LIMITATIONS		
claim for compensation on employer	24	37
filing claim with commission	24	38
notice of disablement to employer	24	37
not to apply to special fund	7	11
mentally incompetent employees (h)	8	20
mentally incompetent dependents of deceased employees	24	37
repeal of act; effect	34	43
STENOGRAPHER		
commission shall, at its expense, provide stenographer to take testimony and keep record of proceedings	16	28
fees for transcripts of evidence	16	28
STENOGRAPHIC REPORT (See Transcript of Evidence.)		
SUBPOENAS		
duces tecum may be issued	16	27
failure to comply with; how to enforce; penalty	16	27
issuance of, by member of commission or arbitrator	16	27
service, how had, by sheriff, constable or other person	16	27
SUBROGATION		
against third parties	29	41
employer failing to pay	28	41
SUBSEQUENT INJURY		
compensation apportionment (h)	10	24
SUMMONS (See Subpoenas.)		
SUPREME COURT		
decision power of circuit court to make judgments conform to (g)	19	34
review of judgments and orders of circuit court (f)	19	34
writ of error to (f)	19	33
SURGICAL SERVICES (See Medical Services.)		
SUSPENSION OF COMPENSATION		
insanitary and injurious practices (d)	19	31
refusal to submit to physical examination	12	26
refusal to submit to proper treatment (d)	19	31
T		
TABLES		
for commuting lump sum settlements to present value		45-46-47
TEMPORARY TOTAL INCAPACITY		
compensation payable for (b)	8	14
in addition to (e)	8	16
limitations as to time and amount (h)	8	20
limited to 64 weeks in case of specific loss (e)	8	15
TESTICLE		
loss of one; loss of both (e)	8	16
TESTIMONY (See Evidence.)		
THUMB		
disfigurement, serious and permanent (c)	8	14
loss or loss of use of (e)	8	15
TOES		
loss or loss of use of (e)	8	16

INDEX—Continued.

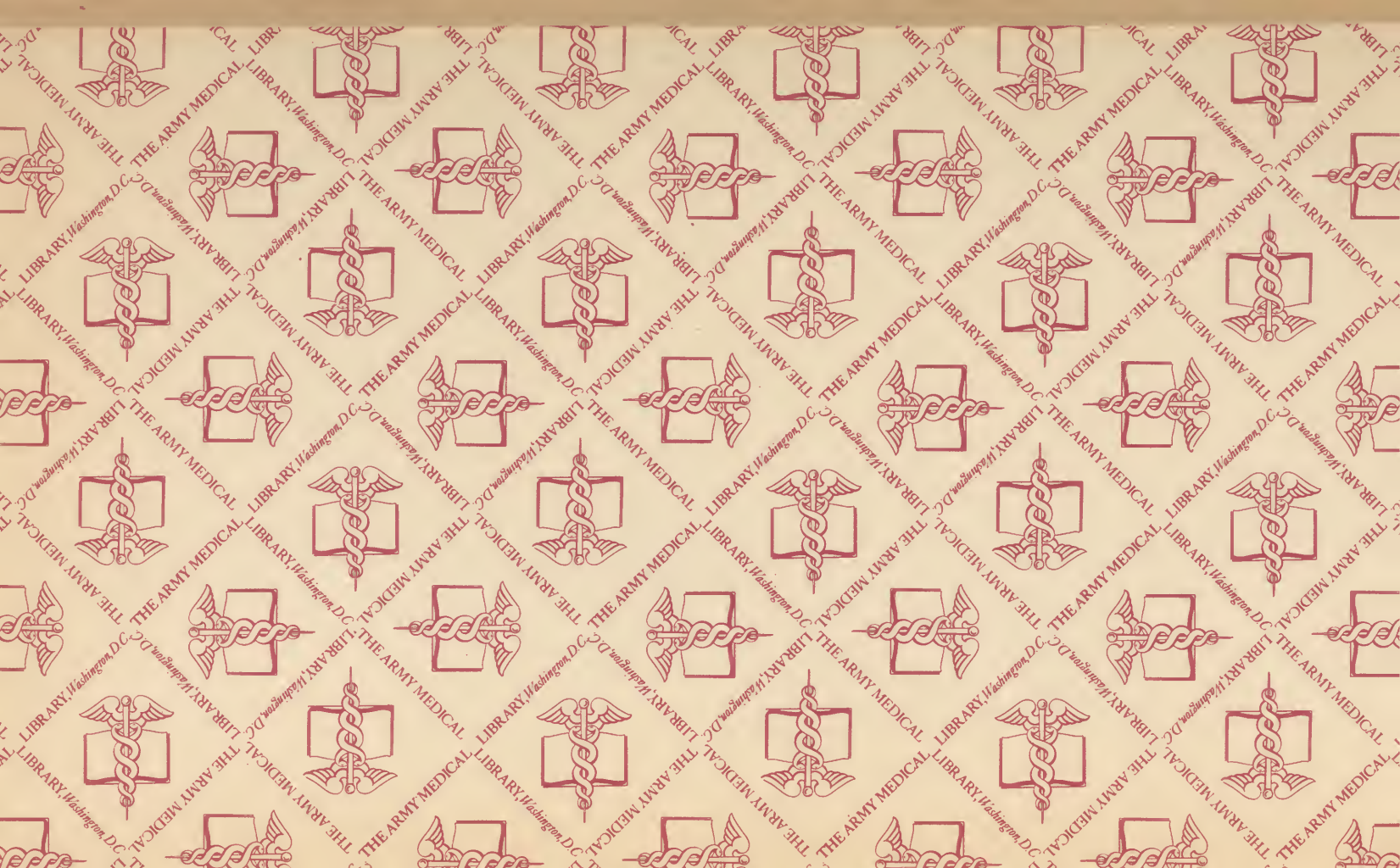
	Section	Page
TOTAL AND PERMANENT DISABILITY		
loss of two members shall constitute (e-18)	8	17
when paid from special fund (f)	8	18
(See Complete Disability.)		
TRANSCRIPT OF EVIDENCE		
cost (f-1)	19	32
estimated cost deposited with commission (f)	19	32
appeal from decision of commission (e)	19	31
arbitrator may authenticate (b)	19	30
authentication (b)	19	30
cost; payment for	16	27
time for filing (b)	19	30
time to file may be extended by the commission (b)	19	30
trial de novo, if reporter does not furnish (e)	19	32
TRANSCRIPT OF RECORD		
cost (f-1)	19	33
estimated cost deposited with commission (f)	19	33
defined, consist of (e)	19	31
receipt for cost to issue	19	33
TRAVELING EXPENSES		
of employee examined at expense of employer	12	25
of members of commission, arbitrators and other employees	14	26
of physicians when appointed by commission (c)	19	31
when injured employee entitled to (h)	19	35
TREASURER (See State Treasurer.)		
TRIAL DE NOVO.		
when may be had (e)	19	32
U		
USUAL COURSE		
employee defined not to include persons not engaged in usual course of trade, business, etc., of employer	5	8
V		
VACANCIES		
arbitration committee, filling (a)	19	29
VIOLATIONS		
penalties for	32	43
W		
WAGES		
basis for computing compensation	10	23
withholding to pay relief benefit, penalty (c)	27	41
WAIVER		
employee cannot waive provisions of act in regard to amount of compensation payable without approval of commission	23	37
WIDOW		
balance for specific loss payable to if injured employee dies (e)	8	17
beneficiary in death case, legal obligation to support (a)	7	9
of member fire department or fire insurance patrol	5	8
right to compensation extinguished by remarriage (a)	7	9
when amount payable shall not be less than $500 (g)	8	20
WITHDRAWAL FROM ACT		
employee, notice, filing (d)	4	7
employee, notice, recording	17	28
employer, notice, filing and posting (b)	4	6
WITHDRAWAL		
recording	17	28

INDEX—Concluded

	Section	Page
WITNESSES		
fees, to be advanced	16	27
power to examine	16	27
subpoena	16	27
swearing of	16	27
testimony may be used in subsequent hearings (j)	19	35
WORKMEN'S OCCUPATIONAL DISEASES ACT		
may be cited as	1	5
title	..	5
saving clause	34	44
WRITS		
bond necessary (f-2)	19	33
certiorari issued, time (f-1)	19	32
certiorari, how served (f-1)	19	33
certiorari, bond filed acts as stay of judgment (f-2)	19	34
error, review by supreme court only on (f-2)	19	34
error, time to sue out (f-2)	19	34
error, act as supersedeas (f-2)	19	34
scire facias, how served (f-1)	19	33
scire facias, parties served (f-1)	19	33
scire facias, requisites	19	33

Office of
INDUSTRIAL COMMISSION
205 W. Wacker Drive
Chicago, Ill.

ALFRED J. BORAH, *Chairman*


THE ARMY MEDICAL LIBRARY, Washington, D.C.

PRESSBOARD
PAMPHLET BINDER
~
Manufactured by
GAYLORD BROS. Inc.
Syracuse, N.Y.
Stockton, Calif.

HD 7816.U7 I2 1952

01910800R

NLM 05012743 2

NATIONAL LIBRARY OF MEDICINE